DOCUMENT RESUME

ED 459 274 UD 034 572

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TITLE Campland: Racial Segregation of Roma in Italy. Country Reports Series.

INSTITUTION European Roma Rights Center, Budapest, Hungary.
REPORT NO ERRC-9
ISBN ISBN-963-00-4052-2
ISSN ISSN-1416-7409
PUB DATE 2000-10-00
NOTE 115p.
AVAILABLE FROM European Roma Rights Center, 1386 Budapest 62, P.O. Box 906/93, Hungary ($8). Tel: 36-1-428-2351; Fax: 36-1-428-2356; e-mail: errc@errc.org; Web site: http://www.errc.org.
PUB TYPE Opinion Papers (120) -- Reports - Descriptive (141)
EDRS PRICE MF01/PC05 Plus Postage.
DESCRIPTORS Civil Liberties; Educational Discrimination; Elementary Secondary Education; Equal Education; Equal Opportunities (Jobs); Foreign Countries; Minority Groups; Police; *Racial Discrimination; *Racial Segregation; Sexual Abuse; Violence
IDENTIFIERS Gypsies; *Italy; Racial Harassment; *Roma

ABSTRACT

This report addresses racial segregation and human rights abuses against Roma in Italy, focusing on: "Anti-Gypsyism in Italy"; "Roma in Italy: Racial Segregation"; "Abuses by Police and Judicial Authorities" (e.g., abusive raids and evictions, abusive use of firearms, torture and physical abuse, discriminatory targeting of Roma by police, theft by authorities, confiscation of papers, sexually abusive searches of women, failure to provide proper interpretation to foreign Roma accused of criminal acts, threats and police violations of the right of assembly, discrimination by judicial authorities, and expelling Roma from Italy); "Violence against Roma by Non-State Actors"; "Discriminatory Treatment of Roma in the Provision of Public Services"; "Denying Roma the Right to Education in Italy"; "The Right to Employment"; and "A Just Settlement: Recommendations of the European Roma Rights Center to the Government of Italy." Appended is "From Bad to Horrific in a Gypsy Ghetto" (Kathryn D. Carlisle). A summary in Romani is included. (Contains 121 references.) (SM)

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COUNTRY REPORTS SERIES NO. 9

Campland

Racial Segregation of Roma in Italy

ED 459 274

A REPORT BY THE EUROPEAN ROMA RIGHTS CENTER

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Campland

Racial Segregation of Roma in Italy

Country Report Series, No. 9.
October 2000

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ISBN 963 00 4052 2
ISSN 1416-7409
Graphic Design: Createch Ltd./Judit Kovács
Printed in Budapest, Hungary.
For information of reprint policy, please contact the *ERRC*

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ACKNOWLEDGEMENTS

This report was produced by the staff of the *ERRC*. Most of the work was done by Claude Cahn, Kathryn D. Carlisle, Claudia Fregoli, Deyan Kiuranov and Dimitrina Petrova. The following *ERRC* employees, consultants, interns and volunteers also contributed significantly: István Fenyvesi, James Goldston, Anne Lucas, Gioia Maiellano, Tatjana Perić, Branimir Pleše, Hannah Slavik and Veronika Leila Szente. The *ERRC* is additionally grateful to the following persons, without whose invaluable assistance publication of the report would have been impossible: Piero Brunello, Giovanna Boursier, Stefano Casu, Carlo Chiaramonte, Piero Collacicchi, Nerys Lee, Stefano Montesi, Mariangela Prestipino and Daniell Soustre de Condat.

"I think [this dream of mine] summarises the meaning of my entire life.

I am the head of an airport. [...] A big plane has touched down and in my capacity of airport boss I go to passport control.

All passengers from the plane are there before me, waiting in line with their passports. I suddenly behold a strange figure: an ancient Chinese, dressed in rags yet regal, emitting a horrible stink. He is waiting to enter.

He stands in confrontation, uttering not a word. He doesn't even raise his eyes, totally absorbed in himself.

I cast a look at the plate on my desk, certifying that I am the one in charge. But I don't know what to do. I am afraid to let him enter, as he is so different from everybody and I don't understand him. I am terribly afraid that if I let him in, he will upset my conventional life. I start to apologise then, lying and laying bare my own weakness.

I am lying as children lie. I can't bring myself to accept responsibility. I say:

'You see I am not authorised. Actually, it isn't I who is the boss. I've got to ask the others.'

And my head hangs with shame. I then add:

'Wait a moment, I'll be back.'

I go away to make a decision that I am never to make. I go on vacillating and all the time I wonder whether he'll be there still when I return. But the worst is that I am not sure whether I am more afraid to find him there, or find him gone.

Thirty years since, I am still pondering this dream. I fully understand that something had been wrong with my nose and not with his smell; yet I can not bring myself to go back and let him enter, nor learn whether he is there still, waiting."

Federico Fellini from *I, Fellini*

1. INTRODUCTION: ANTI-GYPSYISM IN ITALY

On May 17, 2000, Mr Paolo Frigerio, mayor of the town of Cernusco sul Naviglio in the province of Milan, made a public announcement. According to print press and televised media reports, he told journalists and civilians that he would pay five million Italian lire (approximately 2500 euros) of public local government money to any farmer willing to spray manure on an area where a group of Roma were temporarily residing in camper vans in the town. According to the mayor, "a bath of manure is the only way to even the score with the Gypsies, an act of justice equal to the manure they leave us when they move on."[1]

Mayor Frigerio has not been alone in his use of anti-Romani hate speech. The Lega Nord (Northern League), a prominent political party in Italy, frequently uses racist and anti-Romani language in public statements. Mr Umberto Bossi, leader of the Lega Nord, distributed fliers during the campaign for recent regional elections that stated, "If you don't want Gypsies, Moroccans and delinquents in your house, be the master of your own home in a livable city and vote Lega Nord."[2] In regional elections on April 16, 2000, the centre-right and extreme right, including the Lega Nord, garnered a majority.[3] Campaigning – especially campaigning by right-wing

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1 See *Il Manifesto*, May 19, 2000, and *La Repubblica*, May 19, 2000.

2 Such statements are not novel. In September 1995, in connection with a public debate concerning the housing situation of Roma in Florence, Mr Riccardo Zucconi, local spokesman of the Green Party, was reported to have declared that Roma are an infection and that to create new living quarters for them would mean spreading the infection to the whole of the Florence area (See *Il Manifesto*, September 23, 1995). In early January 1997, the youth section of the Northern League reportedly organised a demonstration in Milan against illegal immigrants and "Gypsies", whom they accused of "laying siege" to the city (See Institute of Race Relations, *European Race Audit*, Bulletin No. 23, May 1997, pp.19-20, citing the Italian daily *Il Manifesto*, January 9, 1997).

3 The right and centre-right won the April 16, 2000 regional elections by 50.7%, while the left and centre-left received 45.1% of the vote. The major centre-right parties united under the Polo coalition included: Forza Italia led by Silvio Berlusconi; Lega Nord headed by Umberto Bossi; Alleanza Nazionale headed by Gianfranco Fini. The smaller extremist parties united under the same umbrella include: CCD (Centro Cristiano Democratico) headed by Pierferdinando Casini; Fiamma Tricolore (Tri-Coloured Flame) run by Pino Rauti. The right coalition won eight out of fifteen voting regions (Sardinia, Trentino, Friuli, Val d'Aosta and Sicily hold regional elections independent of

parties – featured explicitly anti-Romani messages. For example, in the town of Voghera, centre-right candidate Aurelio Torriani distributed fliers intended to discredit centre-left candidate Antonella Dagradi with the slogan: "The Gypsies will certainly vote for Antonella Dagradi. Do you want to do the same?" And Lega Nord supporters chanted what they termed the "Gypsy Prayer" at a recent rally led by Lega Nord Member of Parliament Mario Borghezio in the same town.[4] The "Gypsy Prayer" goes as follows: "Give us a million a month, the city doesn't have other expenses, put us at the top of the list for a house, because we are nomads, but we are sticking around; but we wouldn't want to be gassed by angry Voghero inhabitants."[5] The text of the "Gypsy Prayer" was distributed on fliers.[6]

Inflammatory statements by Italian politicians fall on fertile ground. Recent surveys indicate that Italians dislike and fear Roma, often on the basis of little or no experience with them. In a recent report on the fears of children by the official regional institution *Instituto Ricerche Economico-Sociali del Piemonte*, a survey of 1521 children aged 8 and 9 revealed that thirty-six percent of respondents who fear

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the rest of Italy and therefore voters in those regions did not participate in the April 16 elections). Previous to the elections, the centre-left controlled eleven regions. The centre-left is the Ulivo coalition and includes: Democratici di Sinistra headed by Walter Veltroni (the party of ousted Prime Minister Massimo D'Alema); Comunisti Italiani led by Armando Cossuta; and the Verdi (Green Party) headed by Luigi Manconi.

[4] MP Borghezio had previously engaged in another racially-motivated attack when he entered a train from Milan to Turin and carried out his own "ethnic cleansing" by spraying Nigerian immigrants with disinfectant. The incident was filmed and shown on *TelePadania*, a local northern station sponsored by the Lega Nord. A week later, on the same television show, Senator and Lega Nord leader Umberto Bossi bluntly refused to apologise on behalf of his party for the "spraying" incident.

[5] La Preghiera dello Zingaro: "un bel milione dacci al mese, tanto il Comune non ha altre spese, dacci una casa con prioritá, perché siam nomadi ma restiamo qua, non vorremmo peró essere 'gasati' dai Vogheresi oggi un po' incazzati." "Gasati" in Italian, in this context, refers to the gas chambers used by Nazis in organised death camps.

[6] Notwithstanding the Italian government's recent representation that "[anti-racist] legislation applied to everyone in Italy" and that, "[w]hen a member of Parliament or the Government made a statement which amounted to incitement to racial discrimination [...], criminal action would be taken," (United Nations Human Rights Committee, "Summary record of the 1680th meeting: Italy", CCPR/C/SR.1680, 24 September, 1998, para. 4), the *ERRC* is unaware of any public official who has been officially criticised – let alone brought to justice – for any act of racial incitement against Roma or other minorities.

open spaces (60% of all children), stated that they did so because of "drug addicts, Gypsies and Morrocans".[7] Eighty-two percent of respondents stated that their fears were based on information that they had received from their parents and teachers or otherwise indirectly.[8] Similarly, in October 1999, the *Documentation Centre for Solidarity with Nomads* of the Sant'Egidio religious community conducted a survey of approximately two hundred people in the Lombardy region, including the question, "Are you in favour of the authorised installation of camps for nomads in the region?" Approximately seventy percent of respondents were opposed. Grounds provided by respondents for disapproval included, "They steal"; "They are dirty"; "They steal children"; and "I don't know."[9]

Anti-Romani stereotypes are also widespread in Italy today.[10] A popular evening television gameshow, "La Zingara" has been broadcast since the mid-1990s. The "Zingara" is a fortune-telling woman who conducts the program by turning over cards and asking callers to fill in the second half of an Italian proverb. Successful answers are rewarded with money. There is a moon in the background of the set and a rustic-looking caravan behind. The "Zingara" wears colourful clothing and gigantic earrings. A mysterious laugh begins and ends each episode. In Italian lore, Roma are rumoured to have made the nails used to crucify Jesus, steal children and generally wreak havoc and evil.[11] In Italian, there are many anti-Romani or stereotyping idioms. For example, in the dialect of Rome, it is common to say, "sei proprio uno zingaro" ("you're such a Gypsy"), to accuse someone of stealing, lying or generally being untrustworthy. In various regional dialects, telling someone that they "dress like a Gypsy" is a way of saying they need to wash or that they dress poorly. Ninety-two of 1521 children taking part in the survey by the *Instituto Ricerche Economico-Sociali del Piedmonte* stated, without being prompted, that they feared Gypsies because "they steal children".[12]

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[7] See Miceli, Renato, "Sicurezza e paura", Working Paper #127, October 1999, Torino: Instituto Ricerche Economico-Sociali del Piemonte, **http://www.ires.piemonte.it/EP04.htm**, p.54.

[8] *Ibid.*, p.57.

[9] See Working Paper of Biblioteca di Solidarietà per I Nomadi, unpublished.

[10] Italians usually use the negatively burdened word "zingari" when referring to Roma and Sinti.

[11] See Soustre de Condat, Daniell, *Rom, una cultura negata*, Palermo: City of Palermo, 1997, p.13.

[12] See Miceli, *Op. cit.*, p.56

Underpinning the Italian government's approach to Roma is the conviction that Roma are "nomads". In the late 1980s and early 1990s, ten out of the twenty regions in Italy adopted laws aimed at the "protection of nomadic cultures" through the construction of segregated camps.[13] This project rendered official the perception that all Roma and Sinti are nomads and can only survive in camps, isolated from Italian society.[14] As a result, many Roma have effectively been forced to live out the romantic and repressive projections of Italians; Italian authorities assert that their desire to live in flats or houses is inauthentic and relegate them to "camps for nomads". Twenty-year-old Ms M.D. is a member of an Italian Sinti family which lives in caravans and travels, spending the winter in Italy and the summer in Germany and Switzerland; but when asked by the *ERRC* whether she would like to go on living like that, she replied: "No, we want houses and a life like yours."[15] This statement and numerous similar ones however fall on deaf ears when presented to Italian authorities and non-Romani Italians alike. For example, an Italian delegate told the UN Committee on the Elimination of Racial Discrimination in Geneva in March 1999 that Roma, as natural nomads, "preferred to stay in their camps."[16]

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[13] Regional Law 299/89 of Lombardy, for instance, was entitled "Regional Action for the Protection of Populations with Nomadic or Semi-Nomadic Traditions". A similar 1994 law in the Marche region is "Interventions in Favour of Migrants, Immigrants, Refugees, Stateless Persons, Nomads and Their Families". In 1991, a circular to local police directorates on "Nomadic Settlements, Gypsies and Non-European Citizens", with the signature of the Head Prefect of the Ministry of the Interior, began by reminding the police of "the age-old problem of nomadic people". The circular went on to describe "the difficulties of full integration" and then ordered "a deep and systematic survey of the major nomadic, Gypsy and non-European settlements" in Italy. It ended by requesting that a full report on each province be sent to the anti-crime division of the Central Police Office (See Circolare No. 4/91 N. 559/443123/A-200420/1 6/2/1/1, January 18, 1991). The government funds predominantly non-Romani organisations to act as go-betweens for the government and Roma. First and foremost among such organisations is "Opera Nomadi" ("Nomad Works" or "Charitable Mission for Nomads"), founded by a priest named Don Bruno Niccolini; the organisation has now for the most part lost its religious character, but has kept its name and its authority in the eyes of the government.

[14] The Italian media uses "nomad", "Gypsy" and "Rom" interchangeably, but "nomad" generally appears in headlines. One Italian journalist told the *ERRC* that it was "catchier" as a term.

[15] *European Roma Rights Center* interview with Ms M.D., January 29, 1999, Mestre. In many instances throughout this report, the *ERRC* has withheld the name of the interviewee. The *ERRC* is prepared to disclose names if the interests of justice so require.

[16] Mr Luigi Citarella, Head of the Italian Delegation to the 54th Session of the Committee on the Elimination of Racial Discrimination, March 9, 1999, Geneva.

The "nomad" theory is used time and again as the justification for excluding Roma from the responsibility for decision-making normally afforded adult human beings.

The description of Roma as "nomads" is not only used in the service of segregating and infantilising Roma, but also in order to reinforce the popular idea that Roma are not Italians and do not belong in Italy. The overweening anthropological sensitivity of Italian authorities runs only negatively, when it is a question of establishing Roma as an integral part of Italian society. As such, government offices addressing issues related to Roma are called "Offices of Nomad Affairs" and fall under the competence of the Department of Immigration. Similarly, the existence of local administrative offices for "Nomads and Non-Europeans" indicates that Roma are commonly perceived as foreigners and vagrants in the eyes of Italian authorities. These offices are responsible also for local, non-immigrant Italian Roma and Sinti.

In response to a steady stream of reports of anti-Romani hate speech by prominent Italian politicians, as well as disturbing reports of frequent police violence against Roma by Italian police and other security forces, the *ERRC* initiated research in Italy in 1997 with a brief exploratory field mission. From 1998 to the present, the *ERRC* has conducted regular monitoring in Italy, with a monitor in the North and a monitor in Rome, also competent for southern Italy. In January 1999, the *ERRC* conducted an extensive field mission in Italy. Additionally, the *ERRC* maintains regular contact with various Italian non-governmental organisations working in the field of Roma Rights. This report is based on these manifold research efforts.

The chapters of this report are organised as follows: after the introduction, *ERRC* presents a brief history of Roma in Italy, a history which has led to racial segregation today. Next, documentation of abuses by Italian authorities is presented, including extreme abuses such as killings of Roma by police officers. The *ERRC* notes widespread destruction of Romani property and homes by authorities and documents recent heightened actions by Italian authorities to expel Roma from Italy. The fourth chapter addresses instances of abuse by non-state actors, as well as discrimination, especially in access to public services. Next, the report examines abuses of Roma rights in the areas of education and employment. By way of conclusion, the *ERRC* examines Italian government efforts in the fight against racial discrimination, especially in the wake of strongly worded criticism in March 1999 by the United Nations Committee on the Elimination of Racial Discrimination (CERD). The report concludes with specific recommendations to the Italian government to improve its record in the area of Roma rights.

2. ROMA IN ITALY: RACIAL SEGREGATION

Roma first arrived in Italy from the east having originally left India, probably around the 10th century AD, and entered Europe through the Balkans toward the end of the 14th century.[17] The first record of Roma on the territory of Italy dates back to the beginning of the 1400s.[18] The first Roma to arrive in Italy were unspecified "Cingani" – Gypsies, in the words of the chroniclers of the day – who appeared in the Alps in the north and in the south, probably arriving via the Adriatic sea from Greece.[19] Documentation indicates that Romani communities were already established in the Abruzzo and Molise regions in south-central Italy by the 1400s.[20] Found along with some of the first records of the arrival of Roma in Italy, however, are the first records of expulsion and persecution, for example, decrees stating that it was not a crime to "burn or kill Gypsies," such as the one issued by Maximilian I in 1500.[21]

The idea of the "dirty Gypsy" has historically been embedded in the Italian conception of Roma. In the past, in some areas of Italy, cholera was called "lo Zingaro" or "the Gypsy".[22] Into the 20th century, Roma have been associated with disease in Italy; on August 21, 1910, the Ministry of the Interior distributed a circular decree ordering the "surveillance, isolation and disinfecting of Gypsies in the Kingdom due to the suspicion that the outbreak of cholera in the Province of

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[17] See especially Fraser, Angus, *The Gypsies*, Oxford: Blackwell, 1992, pp.45-83.

[18] See Dragutinović, Ratko, *I Kañjarija. Storia rissuta dei Rom Dasikhanè in Italia*, Torino: Multimage, 2000, p.9.

[19] See Scalia, Guiseppe, *La tutella delle minoranze linguistiche*, Rome: Ministry of Interior, 1993, p.58; and Piasere, Leonardo, *Il fenomeno della migrazione in riferimento alle difficoltà di adattamento sociale delle componenti nomadi*, Rome: Istituto internazionale di studi giuridici, undated around 1986-1989.

[20] See Geraci, Salvatore, Bianca Maisano and Fulvia Motta, *Salute Zingara*, Anterem, Rome: 1998, p.25.

[21] See Liperi, Felice, *In viaggio da quasi mille anni*, Rome: La Repubblica Disco del Mese, edizioni La Repubblica, 1995, p.14.

[22] See Piasere, Leonardo, *Popoli delle discariche. Saggi di antropologia zingara*, Roma, CISU, 1991, p.183.

Bari was caused by their arrival."[23] Following the decree, a group of Roma were disinfected and expelled from Italy.[24]

Discrimination has burdened Roma throughout their history in Italy. In Bologna, during the plague of 1630, ill Roma were not allowed into the hospitals under a local government decree.[25] In 1663, a decree in Milan allowed for the "murder of Gypsies and the stripping of personal goods (from their cadavers) without punishment."[26] Hostility towards Roma became significantly more programmatic at the end of the 19th and in the early 20th centuries. Common suspicions and fears were exploited by anthropologists who articulated an image of the dangerous nomad, disrespectful of frontiers, lazy and thieving, as opposed to the good Italian, purported to be a patriotic and hardworking home-body.[27] Psychiatrists and jurists added their weight to this picture. For example, Lombroso, a famous and widely-read criminologist, wrote, "Gypsies are a race of criminals, who easily murder for money."[28] Capobianco, an influential judge, wrote in 1914 urging severe measures to control "the Gypsy", adding that, "he is more like an animal than a man, full of primitive and ferocious instincts."[29]

After World War I, immigration brought another 7,000 Roma to Italy. In the early years following their arrival in Italy, the economic life of these groups primarily centred around door-to-door services such as metal repair and polishing.[30] Hundreds of thousands of Roma perished during the Holocaust. Italian 1938 race laws did

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[23] See Piasere, *Popoli, Op. cit.*, p.184.

[24] Colocci, Adriano, written notes from Primo congresso di etnografia italiana, Torino, 1912.

[25] See Piasere, *Popoli, Op. cit.*, p.183-184.

[26] See Scalia, *Op. cit.*, p.58.

[27] See, for example, Colocci, Adriano, *Gli zingari. Storia di un popolo errante*, Torino, 1889.

[28] Lombroso, C., *L'uomo delinquente*, Pavia, 1876.

[29] See Capobianco, A., *Il problema di una gente vagabonda in lotta con la legge*, Napoli, 1914, quoted in Narciso, Loredana, *La maschera e il pregiudizio*, Roma: Melusina, 1990.

[30] See Dragutinović, *Op. cit.*, p.10.

not include Roma on the same level as Jews, but many Roma and Sinti were interned during the war in several concentration camps in various parts of Italy, where they suffered from very harsh living conditions.[31] Although Roma in Italy were spared the full intensity of the genocide,[32] many Roma today in Italy are direct descendants of victims and the memory of the Holocaust continues to weigh on the whole Romani community. Approximately 40,000 Roma came to Italy during the Italian economic boom of the 1960s, 1970s and 1980s.[33] More recently, the troubles in the former Yugoslavia have brought additional Roma to Italy. The arrival of newcomers reified the identity of "Sinti Rom"[34] in Italy – especially northern Italy, as the original and native Italian Roma.

There are no accurate figures on the current number of Roma in Italy. One official count puts the number at 130,000, but the methodology used to determine this figure is not known to the *ERRC*.[35] In 1995, the London-based non-governmental organisation *Minority Rights Group* put the figure at 90,000-

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[31] See Karpati, Mirella, "La politica fascista verso gli zingari", in *Lacio Drom*, II, 1984; Masserini, Annamaria, *Storia dei nomadi*, Edizioni G.B., 1990; Boursier, G., "Zingari internati durante il fascismo" in *Italia Romani*, Vol II, C.I.S.U., 1999.

[32] See Kenrick, Donald and Grattan Puxon, *Gypsies under the Swastika*, Hertfordshire: University of Hertfordshire Press, 1995, especially pp.106-108.

[33] See Geraci, Maisano and Motta, *Op. cit.*, p.25.

[34] Sinti speak the Sinti dialect of the Romani language. In Italy, Sinti distinguish themselves from Roma through reference to their arrival in Northern and Central Italy in the late 14th century (See Soustre de Condat, Daniell, *Rom – una cultura negata*, City of Palermo: 1997, p.33). Sinti in Italy are traditionally known as horse trainers and performers, and families such as Orfei continue in the circus tradition today. Other famous Sinti circus families include the Togni, Carbonari, Zavatta, Arata, Zorzan and Triberti. Most non-Roma/Sinti in Italy do not recognise a distinction between the two groups and regard them as one.

[35] One representative of the Italian delegation to the United Nations Committee on Economic, Social and Cultural Rights, which reviewed Italy's compliance with the Covenant on May 3, 2000, told the Committee that Italy "had 130,000 registered Roma, 80,000 of them Italian citizens, who were free to go wherever they wished." Another representative of the same delegation, however, stated that determining the precise number of Roma in Italy was difficult because "There was, in fact, no precise definition of the term 'Roma' since it covered more than 100 different minorities with various origins and languages." See "Summary Record of the 6th Meeting: Italy (E/C.12/2000/SR.6), 3 May 2000."

110,000.[36] Local non-governmental organisations estimate that there are presently 60,000-90,000 Italian Romani citizens and 45,000-70,000 Roma born outside Italy or born in Italy to immigrant parents, mainly from Eastern Europe, especially the former Yugoslavia.[37] When prominent Italian politicians speak of cracking down on immigration,[38] they are playing on a link in the popular imagination between immigrants and Roma. In the minds of many Italians, Roma are the archetype of unwanted "criminal" immigrants. This sentiment reached fever pitch when approximately ten thousand Romani refugees arrived in Italy during summer 1999, after being ethnically cleansed from Kosovo by ethnic Albanians following the end of the NATO bombing and the Yugoslav military action in the province.[39]

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[36] See Liegeois, Jean-Pierre and Nicolae Gheorghe, *Roma/Gypsies: A European Minority*, London: Minority Rights Group, 1995.

[37] See Ansa Press Agency, quoted in *Corriere della Sera*, April 4, 2000; Brunello, Piero, *L'urbanistica del disprezzo*, Rome: Manifestolibri, 1996; Colacicchi, Piero, "Down by Law: Police Abuse of Roma in Italy", *Roma Rights*, Winter 1998, pp.25-30 and at **http://errc.org/rr_wint1998/noteb1.shtml**; and Dragutinović, *Op. cit.*, p.12.

[38] Shortly before the April 16, 2000, local elections, media mogul and former Prime Minister Silvio Berlusconi of the Forza Italia party proposed a harsh anti-immigration law. The law would tighten requirements for acquiring citizenship, stiffen immigration quotas, revoke existing immigration-related agreements with other countries and allow the Italian coast guard to fire live ammunition at boats "smuggling" foreigners. Mr Berlusconi blamed Italy's rising crime rate on former Prime Minister Massimo D'Alema's "liberal" immigration laws. After the right swept the elections, Prime Minister D'Alema stepped down and was replaced by Guiliano Amato on April 18, 2000.

[39] The Kosovo war of 1999 brought large numbers of Roma from Kosovo to Italy. Many arrived with little, having braved possible death to make the treacherous crossing from, especially, Montenegro. On Roma in the Kosovo crisis, see **http://errc.org/publications/indices/kosovo.shtml**. During the Kosovo crisis, the Italian media played shamelessly on popular anti-Romani xenophobia. For example, a front-page article in the popular Italian weekly *Panorama* of August 22, 1999, was entitled "Mama, the Gypsies are Coming!" The title-page photograph showed a rusted boat overloaded with Romani refugees from Kosovo. The primary focus of the article was on "difficulties" associated with returning Roma speedily to Montenegro. Another article, which ran in the daily *Il Sole-24 Ore* of August 31, 1999, expanded on the difficulties of returning Kosovo Romani refugees and emphasised that "the Roma were able to pay the high price of their illegal transportation thanks to the dirty money they received by burying both Serbian and Albanian victims in mass graves." The daily *Corriere della Sera* went so far as to complain in a headline on July 22, 1999, that "The United Nations is Against Italy" because it was not assisting with the rapid expulsion of Kosovo Romani refugees.

Most Roma in Italy live in a state of separation from mainstream Italian society. For over half of Italy's Roma, this separation is physical: Roma live segregated from non-Romani Italians. In some areas, Roma are excluded and ignored, living in filthy and squalid conditions, without basic infrastructure. These Roma "squat" abandoned buildings or set up camps along the road or in open spaces. They can be evicted at any moment, and frequently are. A racist society pushes these Roma to the margins and hinders their integration. Their settlements are often called "illegal" or "unauthorised". Where Italian authorities have expended energy and resources on Roma, these efforts have in most cases not been aimed at integrating Roma into Italian society. Quite the opposite: as the third millennium dawns, Italy is the only country in Europe to boast a systematic, publicly organised and sponsored network of ghettos aimed at depriving Roma of full participation in, or even contact or interaction with, Italian life. These Roma, in Italian parlance, live in "camps" or squalid ghettos that are "authorised".[40]

Camps vary in size from a dozen persons – for example, one of the unauthorised camps in Via Castiglia, Milan – to more than fifteen hundred persons, for example, the massive unauthorised Casilino 700 camp in Rome.[41] About 95% of the Roma in

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[40] Italy's housing arrangements for Roma violate international law. Article 11 of the International Covenant on Economic, Social and Cultural Rights (CESCR) states: "The States Parties ... recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions...." Italy ratified the CESCR on September 15, 1978. The International Convention on the Elimination of All Forms of Racial Discrimination (CERD) at Article 5(e)(iii) prohibits racial discrimination in the enjoyment of the right to housing. Italy ratified the CERD on January 5, 1976. The Convention on the Rights of the Child (CRC) establishes the positive obligation of States parties to provide material assistance, including housing, to children in need. Article 27 of the CRC states: "(1) States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. (2) The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development. (3) States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing." Italy ratified the CRC on September 5, 1991.

[41] Camps are most often designated by the name of the street or area on which they are located.

camps visited by the *ERRC* were immigrants or the children of immigrants; the rest were itinerant Italian Roma or Sinti.[42] Most of the immigrant Roma (around 70%) came from ex-Yugoslavia. Another sizeable group of immigrants came from Romania (about 25%), with the remaining 5% composed of small groups and individuals from other countries. The smaller camps, home to only fifteen to thirty people, are generally unauthorised. Authorised camps tend to comprise at least one hundred persons.

Camps tend either to comprise Roma of one nationality or, where camps are large, to be divided into sections by place of origin with, for example, "Bosnian", "Kosovar", "Serbian" and "Romanian" sections. In some cases, camps are in close proximity to official or unofficial housing arrangements for non-Romani immigrant groups. Mr I.B. from the unauthorised camp in the industrial zone of Eboli-Battipaglia showed the *ERRC* a dilapidated mill building about fifty metres from the camp. He said that Morrocans were living there.[43] Many Italian Roma also live in camps: at the time of the *ERRC* visit in January 1999, there were between 100 and 150 persons living in trailers in the camp at Via Vallenari, Mestre. Another group of about the same size lived, also in trailers, at the Bella Sofia unauthorised camp in Palermo.

Many of the Roma the *ERRC* met during field research were born in Italy to foreign parents. Of the foreign Roma born outside Italy, most had been in Italy continuously for the past thirty years. However, since Italian authorities often refuse to issue residence permits to Roma,[44] immigrant Roma often have no official

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[42] Recently, Italian government officials have attempted to argue that camps are necessary "to give clandestine immigrants an opportunity to establish their identity" (see "Summary Record of the 6th Meeting: Italy (E/C.12/2000/SR.6), 3 May 2000"). Law 286 of July 25, 1998, the legislation presently regulating the status of foreigners in Italy, guarantees foreigners at the border or on the territory of Italy all human rights and fundamental freedoms included in domestic legislation, international conventions and the generally recognised principles of international law. Article 43 of the same law bans discrimination against foreigners.

[43] *European Roma Rights Center* interview with Mr I.B., January 23, 1999, Eboli-Battibaglia. Unless otherwise stated, sources are persons who describe themselves as "Roma". When speaking Italian, they occasionally use the word "zingari" to describe themselves; when speaking Serbo-Croatian or Macedonian they often use "Roma" or, less frequently, "tsigani".

[44] Immigration law 416/89 (later the more comprehensive law 39/90, the so-called "Martelli Law") provided a comprehensive legal regime to respond to the occurrence of the first large-scale immigration in Italy's modern history. Under the Martelli Law, in order to acquire legal residence *(permesso di*

proof of how long they have been in Italy. Thirty-two-year-old Mr V.M from the Secondigliano camp, Naples, said that although his family and he had lived in the camp for seven years at the time of the interview, he had no way of proving that fact.[45] Forty-five-year-old Mr O.O. similarly told the *ERRC* that he had been in Italy for seven years, yet had not been issued any permanent document. Mr O.O. went to the municipality, and was reportedly told by a counselor responsible for immigrants there, "There will never be a place in Milan for you Muslim Roma."[46]

Some of the Roma with whom the *ERRC* spoke had managed to secure residence permits. This was especially true of Roma who had been in Italy for longer periods of time. Individuals who had managed to legalise their status had temporary residence permits valid for various – but exclusively short – periods of time. The residence permit of longest validity that the *ERRC* came across belonged to Mr F.S., who had arrived in Italy thirty years before and had been there ever since; he had a two-year residence permit. The overwhelming majority of residence permits shown to the *ERRC* were valid between one month and six months. Traditional and common law marriages are often not recognised by Italian authorities, so many Romani families remain illegal

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soggiorno), persons already residing in Italy were required to prove that they held an official job or legally received an income equivalent at least to the minimum social security allowance. When it was first enacted, the law allowed foreigners without permits two years to find a job and thus become eligible for residence permits. Large numbers of Roma and non-Roma, ignorant of Italian law and uninformed by Italians, did not obtain residence permits within the period stipulated. Following adoption of the Martelli Law, persons seeking to establish themselves in Italy who did not already reside in the country were required to apply at an Italian embassy or consulate abroad for a work-related entrance visa *(visto di ingresso)*, generally only issued upon demonstration that a person already had a promise of work in Italy. Upon arrival in Italy, with a work visa, individuals are eligible for residence permits; once in possession of a residence permit, a person is eligible for a work permit *(permesso di lavoro* or *il libretto di lavoro)*. Without residence permits, foreigners cannot obtain work permits. Additionally, one condition for a residence permit is possession of a valid passport from the country of origin. Throughout the 1990s, this condition has placed an increasing burden on, especially, Yugoslav men, who have been unable to renew passports without returning to Yugoslavia and serving in the military. This has given rise to a large black market in passports and other documents. The Martelli Law was replaced in 1998, primarily by the aforementioned Law 286 of July 25, 1998, but new regulations only served to render the legal regime governing foreigners more strict by imposing a quota system on the number of work-related entrance visas issued.

[45] *European Roma Rights Center* interview with Mr V.M., January 22, 1999, Naples.

[46] *European Roma Rights Center* interview with Mr O.O., January 27, 1999, Milan.

even if a male head of the family obtains a residence permit. The only Roma born in another country or Roma born in Italy to foreign-born parents who were in possession of Italian citizenship with whom the *ERRC* met were those lucky enough to live in one of the handful of camps with activist and legally competent NGOs.[47]

Most authorised camps are surrounded by a wall or fence. In many instances, a regime of gatekeepers render authorised camps into places of restricted access, effectively violating the freedom of movement of Roma living there as well as that of visitors.[48] Thirty-year-old Mr T.C., a non-Romani gatekeeper at one authorised camp told the *ERRC* that there were many "restricted" persons in the camp, meaning that their leaving the camp was forbidden partly or fully. People in authorised camps are under permanent control, while people in unauthorised camps are subjected to control at intervals. In all but one camp – the Zelarino Camp in Mestre – the *ERRC* witnessed that relations between the administration of the camp and the inmates appeared to be founded on mutual distrust and fear.

The *ERRC* did not see any camps located far from towns or villages. Most camps are on the outskirts of towns and cities, while others are in the middle of towns. In the centres of towns and cities, one can find both authorised and unauthorised camps. For example, the authorised Tor de' Cenci and Casilino 900 camps in Rome, and the unauthorised Casilino 700 in Rome and the unauthorised camps in Via Castiglia in Milan are all downtown camps.

There is not always a significant difference between the quality of life in an authorised and an unauthorised camp. Roma in camps live in makeshift barracks, containers and old trailers. Rarely, in authorised camps, there are some standardised barracks (e.g. in the Muratella camp in Rome) or some tents provided by municipal

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[47] A child born in Italy to foreign parents can petition the government for Italian citizenship on her eighteenth birthday if, under Article 4 of Law 91 of February 5, 1992, she can prove continuous residence in Italy for the ten years previous to her eighteenth birthday. This is effectively impossible for Roma residing in unauthorised camps. Roma dwelling in authorised camps are entirely dependent on the willingness of camp authorities to issue papers certifying their residence in a camp, and are therefore often arbitrarily precluded from acquiring Italian citizenship.

[48] Article 13(1) of the Universal Declaration of Human Rights states: "Everyone has the right to freedom of movement and residence within the borders of each State." The Italian Constitution at Article 16 guarantees freedom of movement.

authorities. Newcomers are often initially sheltered by inhabitants of longer standing until they can buy a caravan or build a shack. In about one-third of the camps visited by the *ERRC*, the ground was covered by asphalt – extremely hot in summer –, concrete slabs or small stones. In the remaining camps, the ground was just dirt which turned to mud with each rain and produced huge clouds of dust in summer. In the Casilino 700 camp in Rome, many shacks had been built on poles to keep the floor above the mud. In about half the camps there are a few trees; the rest are devoid of anything green. Some of the larger, authorised camps are reportedly rife with drugs. For example, the *ERRC* was told in January 1999 that of around 350 inmates of the authorised Olmatello camp in Florence, about fifty persons were currently in detention or in prison for drug dealing.

In about three-quarters of the camps there is running water and electricity. Water is either supplied free-of-charge by the municipality in some authorised camps, or at a subsidised rate, or at full rate, or stolen by the local Roma. The same applies for electricity. Both water and electricity are usually stolen in unauthorised camps, but there are exceptions. For example, in an unauthorised camp in Florence, local authorities supplied water and even built showers. However, they erected the eight cold water showers right in the open, on a concrete platform in the middle of the camp. The *ERRC* team was told with laughter that of course no one would make a show of showering with everybody looking. The showers were being used for washing clothing at the time of the *ERRC* visit.

In the authorised camp of Poderaccio, on the outskirts of Florence, at the time of *ERRC* field research in January 1999, authorities provided electricity. However, the municipality did not install electricity metres for each family, but rather installed electricity metres for every eight families. Nobody could tell how much energy each family consumed, or what portion of the common bill each family was supposed to pay.

The *ERRC* is not aware of a single camp with an adequate sewage system. Of the thirty camps visited by the *ERRC*, only one – the authorised camp in Via Rismondo, Padua – had a sewage system approaching adequacy, with a toilet cabin for every two families. Some of the camps had movable chemical toilet cabinets. The chemical toilet is a plastic box like a telephone booth, to be used by one person at a time. In all camps the *ERRC* visited there were fewer than needed. Some cases are drastic: in Casilino 700, Rome, about a dozen chemical toilets served around 1500 Roma. Chemical toilets need close and periodic care by professional personnel. Where

this is missing, they become useless and ugly monuments to negligent municipal bureaucracy. To passers-by, they confirm the prejudice that Roma smell and are dirty. In the authorised Favorita camp in Palermo, no toilet facilities existed at all in a camp of about 1000 people at the time of the *ERRC* visit.

Authorities effectively block efforts of the Roma themselves to improve their housing. Authorities often do not permit Roma in authorised camps to build houses. The *ERRC* was told on several occasions by Roma that they had been trying to acquire guarantees from local authorities that if they did build a house in the camp, it would not be demolished by officials. Alternately, some Roma with whom the *ERRC* spoke had requested designation of an appropriate housing site outside the camp, so that they could build there. The *ERRC* is not aware of any cases in which such permission was granted. Building without a permit in Italy can have serious legal consequences: Article 7 and 20 of the February 28, 1985 law number 47 elaborating Article 17(b) of the 28 January 1977 law number 10 authorises arrest and imprisonment for up to two years and a fine of 10,000,000 to 100,000,000 lira (approximately 5000-50,000 euros) for construction without a permit.

The story of Mr F.S. from the Casilino 900 camp in Rome is particularly illustrative. Mr F.S. is a 52-year old Romani man originally from the former Yugoslavia. He came to Italy in 1969 and as of January 1999, had been in Italy ever since. He and his family built themselves a shack in the Casilino camp in Rome. He pointed out to the *ERRC* team where the shack used to stand; it is a place outside of the camp now, at the foot of a hill, about a hundred and fifty meters away from the present camp. "My father died here in the camp. We've been here for thirty years and still not able to get a house. In 1985 the authorities destroyed the old camp at the foot of the hill." Mr F.S. said that at the time there were non-Roma from Calabria and Sicily also living there in makeshift houses. "Now they live there," he told the *ERRC*, pointing to several apartment buildings about half a kilometre away: "the state gave them housing, as it is their state. And as we don't have a state, we can't get a house." Mr F.S. said that he had time and again approached the municipality, requesting permission to build a house, but officials from the municipality responded invariably that they would not grant him permission, and that if he built one anyway, such a structure would be illegal. They would, they said, have to destroy it.[49]

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[49] *European Roma Rights Center* interview with Mr F.S., January 21, 1999, Rome.

3. ABUSES BY POLICE AND JUDICIAL AUTHORITIES

Anti-foreigner sentiment and intense hostility towards Roma, accreting to the focal points of ghettoised Romani camps throughout Italy, has in recent years found visceral expression in abusive raids conducted by police and other authorities. Police misconduct in Italy ranges from verbal abuse to serious ill treatment and shootings. During field missions in 1997 and 1999, and in the course of regular monitoring beginning in 1998 and continuing to the present, the *ERRC* has documented numerous cases of police abuse. It is nearly certain that, between the time this report was sent to press and the time that it is published, further abuses of the rights of Roma by authorities will have occurred in Italy.

3.1. Abusive Raids, Evictions and Arbitrary Destruction of Property

Police and other law enforcement authorities conduct abusive raids on ghettoised Romani settlements in Italy.[50] In most of the thirty Romani camps visited by the *ERRC* throughout Italy, Roma reported police raids. Police raids appear to be a regular feature of camp life. Accounts vary, but raids take place in nearly all camps. Police typically enter a camp in numbers ranging from four to twenty, with exceptional large-scale actions carried out by over one hundred officers. Authorities raid most frequently late at night or early in the morning. The inhabitants of the camp receive no warning of the raid. Authorities generally proceed from dwelling to dwelling. In some instances, officers order all persons temporarily to vacate dwellings. Since many of the authorised camps have one group address, police empowered to search for one individual may effectively enter any dwelling in a

[50] Abusive raids and the violent disruption of Romani homes is in violation of Articles 3 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), prohibiting inhuman and/or degrading treatment, and protecting the right to home and family life respectively. Italy ratified the ECHR on October 26, 1955. They also violate Article 17 of the International Covenant on Civil and Political Rights (ICCPR), which states: (1) "No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation" and (2): "Everyone has the right to the protection of the law against such interference or attacks." Italy ratified the ICCPR on September 15, 1978.

camp at will. In many instances, authorities have evicted Roma and destroyed their property.[51] In raids not aimed at eviction, according to Romani victims, police do not inform camp inhabitants of why they have come. Moreover, when Roma request to know the purpose or grounds of the raid, officers usually act offended and either give no answer at all, or answer by being aggressive or using abusive or racist speech towards the individual seeking information. Although the *ERRC* conducted extensive interviews with eyewitnesses of police raids, not a single person recalled having been shown written authorisations by police officers.

Roma residing in the Via Salviati camp on the periphery of Rome provided the *ERRC* with testimony pertaining to raids. Thirty-year-old Mr D.B. told the *ERRC:* "This morning, a little before 6 AM, around thirty police officers arrived in our camp, dressed in riot gear, with helmets, masks and truncheons. As always, they arrived screaming and shouting. They said that they had to check the documents of all heads of families. They forced us out onto the square and then took us to the station. They kept us there for twelve hours without explaining anything. They gave us nothing to eat."[52] Describing the same raid, twenty-five-year-old Mr T.K. told the *ERRC:* "The police do cruel things. Today they came at 6 AM. They arrested a group of us, but didn't take us to the police station immediately. First they took me with some other people from this camp to the San Basilio neighbourhood near here, and they locked us in a garage. They kept us there for two hours, in the dark, and they told us that we had to lie face down and not move. They called us one at a time to ask for documents. After two hours they had checked everyone, but they still took us to the police station."[53] Mr T.K. told the *ERRC* that he believes that the Italian police are racist.

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[51] The United Nations Commission on Human Rights resolution 1993/77, entitled "Forced evictions" adopted on March 10, 1993, states: "The Commission on Human Rights [...] affirms that the practice of forced evictions constitutes a gross violation of human rights, in particular the right to adequate housing; [...] urged governments to take immediate measures, at all levels, aimed at eliminating the practice of forced evictions [...] to confer legal security of tenure on all persons currently threatened with forced evictions."

[52] *European Roma Rights Center* interview with Mr D.B., April 1, 2000, Rome.

[53] *European Roma Rights Center* interview with Mr T.K., April 1, 2000, Rome. Arbitrary arrest and detention violates Article 5 of the European Convention of Human Rights which guarantees the right to liberty and security of person.

In the San Donnino camp in Florence, 60-year-old Mrs. K.K. and 39-year-old Mrs. S.K. provided the *ERRC* with the following account of a raid on their camp: around twenty uniformed policemen came, carrying submachine guns. They made everyone leave their caravans and makeshift shelters, conducted a search and then sprayed everything inside the dwellings with some chemicals they had brought with them; they said this was "for disinfecting". Officials reportedly sprayed bread, water and baby-food formula left in the open. They also reportedly kicked a child named A.B.[54]

Fifty-three-year-old Mr S.F. told the *ERRC* that on January 10, 1999, he was an eyewitness as eight *carabinieri*[55] arrived in two cars in the Favorita camp in Palermo and started to search the caravans and makeshift shelters, without producing any document or explaining anything. Mr L.D., an informal leader of the Roma in the camp, asked the police officers what they were doing. In response, police officers pushed him several times and then one of them reportedly put a handgun to his head. By that time, a crowd from the camp had gathered around; they reportedly pushed the *carabinieri* back and broke the windows of their cars, after which the *carabinieri* left. One of the *carabinieri* reportedly fired two shots in the air as they were leaving. Minutes later, the entrance of the camp was blocked by two *carabinieri* cars. Approximately one hour later, four *carabinieri* stopped 16-year-old S.E., nephew of L.D., as he was returning from a football game, and beat him in public with truncheons. They then transported S.E. to the station of the *carabinieri*. An Italian friend of L.D. reportedly witnessed the beating and informed L.D. L.D. then called the commanding officer of the local *carabinieri*, and the latter brought the boy back, escorted by *carabinieri* officers. The ranking officer then reportedly

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[54] Case summary based on *European Roma Rights Center* interview with Mrs. K.K. and *European Roma Rights Center* interview with Mrs S.K., January 18, 1999, Florence.

[55] Carabinieri are police officials under the competence of the Ministry of Defence. The following categories of police exist in Italy: *Carabinieri* – Military police who answer to the Ministry of Defense, responsible especially for criminal offences; *Guardia di Finanza* (Finance Police) – Military police who answer to the Ministry of Finance responsible for criminal financial activities, such as drug running or tax evasion; *Polizia di Stato* (State Police) – a civil force which answers to the Ministry of the Interior, responsible for criminal activity and anti-state crimes; *Polizia Municipale* (Municipal Police) – Each city has its own force, mostly responsible for traffic offenses, however, active in document checks.

requested that Mr L.D. not "make a fuss" by bringing the matter to court. Mr L.D. told the *ERRC* that he had agreed, in exchange for a verbal agreement to recognise his local authority.[56]

In the unauthorised Masini camp on the outskirts of Florence, a 31-year-old Romani man named Mr N.S. told the *ERRC* that in 1998 the camp had been raided approximately five or six times by the police. At the time of the *ERRC* visit on January 17, 1999, the most recent raid had taken place in September or October 1998. On that occasion, at about 4:30 AM, police entered the camp with dogs, ordered everybody out of the caravans and makeshift sheds in which they were sleeping, and then started a search. It was raining. Police did not allow anyone to go inside to shelter from the rain or to put on clothes appropriate for the weather. They called the Roma "Gypsy bastards" and "dirty Gypsies".[57] Verbal abuse was also reported by 47-year-old Ms T.B., from the Muratella camp in Rome: "During raids, police call us women 'Gypsy whores'."[58]

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[56] *European Roma Rights Center* interview with Mr L.D., January 24, 1999, Palermo.

[57] *European Roma Rights Center* interview with Mr N.S., January 17, 1999, Florence. Abusive treatment of Roma is seriously aggravated by explicitly racist motives. The European Court of Human Rights has made clear that, in evaluating claims of torture and/or of inhuman or degrading treatment or punishment, it will take into account a range of factors which bear on the vulnerability of the victim. Thus, in its judgement in ***Ireland v. United Kingdom***, the Court held: "...ill-treatment must attain a minimum level of severity if it is to fall within the scope of Article 3. The assessment of this minimum is in the nature of things, relative; it depends on all the circumstances of the case, such as the duration of the treatment, its physical or mental effects and in some cases, the sex, age, and state of health of the victim, etc." (Judgment of 18 January 1978, 2 EHRR 25, para. 162). The rationale for this is that the level of ill-treatment required to be "degrading" depends, in part, on the vulnerability of the victim to physical or emotional suffering. The same reasoning supports the conclusion that association with a minority group historically subjected to discrimination and prejudice, such as the Roma, may render a victim more vulnerable to ill-treatment for the purposes of Article 3. Along those lines, in its admissibility decision in the case of *Arthur Hilton v. United Kingdom* – where the author, a black inmate, complained of various forms of ill-treatment – the European Commission of Human Rights found that "the author's allegations of assault, abuse, harassment, victimization, racial discrimination and the like raise an issue under Article 3 of the Convention...." (*Arthur Hilton v. United Kingdom*, Application No. 5613/72, Decision of 5 March 1976, p.187).

[58] *European Roma Rights Center* interview with Ms T.B., January 20, 1999, Rome.

In the authorised Borgosattolo camp in Brescia, 58-year-old Mr B.L. told the *ERRC* that police came to the camp at least twice a week, with no clear aim. Usually, according to Mr B.L., two or three uniformed officers arrive in one car. Mr B.L. called this practice of the police "molestation". On January 18, 1999, approximately fifty police officers reportedly raided the settlement. Witnesses stated that they did not provide any reason for the operation. Officers checked the inhabitants of the makeshift huts and the caravans, and departed without arresting anyone.[59]

A common feature of raids on Romani ghettos by police and municipal authorities is the abusive destruction of property and makeshift dwellings belonging to Roma.[60]

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[59] *European Roma Rights Center* interview with Mr B.L., January 28, 1999, Brescia.

[60] Destruction of camp dwellings and property by the police during raids amounts to a violation of the right to freedom from torture/inhuman or degrading treatment, as well as of the right to respect for home, private and family life – i.e. of Articles 3 and 8 of the European Convention on Human Rights (ECHR) respectively. In addition, it is an unequivocal breach of the right to the peaceful enjoyment of possessions as provided for in Article 1 of Protocol 1 to the European Convention on Human Rights. The Strasbourg organs have made clear that "home" is where one lives on a permanent and settled basis. In *Gillow v. United Kingdom* (A-119 (1986) Comm. Rep., paras. 109-119), the Commission decided that "home" could even include a place where one intended to live. Once it is established that certain premises are "home", Article 8 protection encompasses each of the following rights: the right of access *(Wiggins v. United Kingdom*, No. 7456/76, 13 D & R 40 (1978)), the right of occupation (Ibid.), and the right not to be expelled or evicted *(Cyprus v. Turkey*, 4 EHRR 482 (1976)).

Regarding the concept of "private life", the European Commission on Human Rights and the European Court of Human Rights have in a number of cases held that for the purposes of Article 8(1) this includes the physical and moral integrity of a person (See, e.g., *X and Y v. Netherlands*, A-91 (1985), para. 22). In general, compulsory physical treatment of an individual falls within the sphere of private life, however slight the intervention (see for example, *X v. Austria*, No. 8278/78, 18 D & R 154, 156 (1979), in which a blood test was at issue). In one case concerning the intensity and persistence of aircraft noise, the Commission found that "considerable noise nuisance can undoubtedly affect the physical well-being of a person and thus interfere with his private life." *(Rayner v. United Kingdom*, No. 9310/81, 47 D& R 5 (1986)).

Concerning Article 1 of Protocol 1 to the ECHR, the Strasbourg authorities have in a number of cases delineated the nature of "possessions". Thus, the Court and the Commission have held that a wide variety of interests other than ownership implicate Article 1 or Protocol 1 (See, e.g., Van Marle, Judgment of 26 June 1986, A.101). Moreover, it is similarly settled that even measures short of the outright taking of property may affect the right to peaceful enjoyment of possessions (See, e.g., *Papamichalopoulos v. Greece*, Judgment of 24 June 1993, A.260-B, p. 20).

Some Italian courts have ruled against the abusive destruction of property of Roma by authorities, but decisions have later been overturned by appeals courts. On April 23, 1995, for

In camps, neither caravans nor their barracks are evidently considered by Italian authorities to be legal dwellings, no matter whether the camp itself is authorised or not. If the authorities want to threaten or punish somebody from an authorised camp, they often threaten to demolish their dwelling. Such threats are frequently executed. Italian authorities have also destroyed the dwellings of Roma without pretext. On such occasions they do not, however, offer alternate adequate housing.

In Milan, the *ERRC* was briefed on January 27, 1999, by 29-year-old Mr R.P., one of the informal Roma organisers in the Via Castiglia neighbourhood. He and his extended family, relatives and friends, were illegally occupying an old brick five-floor house. The house had running water but no electricity. The Roma had moved in two weeks before the *ERRC* visit after a series of forced displacements. On January 12, 1999, the police had destroyed their caravans (about thirty in number) in the Via Novara camp in Milan. They had been in that camp for about four months, having arrived in August 1998. Before that, they had been in yet another camp in Milan, in Via Gioia, where their shelters had also been destroyed by authorities. Mr R.P. told the *ERRC* that his group had been pushed from one unauthorised camp to another, forced evictions occurring on average once every four or five months. Police had also recently threatened him to "move, or we'll take your trailers and cars."[61]

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example, the Mayor of Florence, Mr Giorgio Morales, was indicted for ordering the destruction of Roma huts, caravans and personal belongings in the Roma camp of Olmatello in January 1992. Indictments for destruction of property were also brought against the mayor's chief clerk, Mr Enio Tonveronachi and the chief of police, Mr Sauro Pieraccioni, who was allegedly responsible for carrying out the operations. In the indictment, Florence assistant public prosecutor Emma Cosentino stated, "The existing prejudices about [...] thieving, dirty, lying Roma who don't want to work are alibis and excuses for many people: for the administrators who think it their right not to do anything to solve the problems of Roma and [in fact] do much to their detriment [...]. In Florence, the Roma live in conditions of complete indigence, in a state of degradation seen nowhere else, with the complete indifference [...] and neglect of the public administration. They come face to face with incredible, unjust and unjustifiable difficulties in all aspects of their daily lives [...]" On July 7, 1995, Mr Tonveronachi and Mr Pieraccioni, were ordered by the court to pay one million lira (approximately 500 euros) in fines, plus damages to the Roma. The mayor was found not guilty, since it had been impossible to establish that he had ordered the operation be carried out with destruction of property. Approximately one year later, however, all parties were acquitted on appeal.

[61] *European Roma Rights Center* interview with Mr R.P., January 27, 1999, Milan.

The *ERRC* was subsequently taken to the site of an unauthorised camp in an empty space between two buildings, next to the house occupied by the Roma; the *ERRC* team was told that the six caravans in that camp had been bulldozed on January 26, 1999, the previous morning. The *ERRC* saw and documented the two-metre-high pile of debris to which authorities had reduced the caravans by knocking them over with bulldozers. Then the team was taken to an empty lot across the street. There was a similar pile of debris, only somewhat smaller, and two women and one small child, sitting on some bags on the ground. One of the women was crying silently. Authorities had finished their work less than one hour previously, destroying their three caravans. The women, Mrs M.I. and Mrs D.C., told the *ERRC* that there had been twelve people living there, nine men and three women, all of them Romanian Roma. Their husbands, they said, had gone to work early in the morning, around six o'clock, and didn't know what had happened meanwhile to their caravans. Mrs M.I. said that about fifteen police officers had arrived that morning. They told the women that they should leave the caravans and gave them about twenty minutes to get their belongings out. The little girl, they said, was eighteen months old. The Roma made homeless by the destruction of their caravans then occupied another empty house nearby. The *ERRC* continued to monitor the situation and for about three months the Romani families stayed there. Then, on April 14, 1999, at about 8:30 AM, the police came and evicted about a hundred Roma from the two slum houses in Via Castiglia.[62] The eviction was executed by about thirty police officers. They gave the Roma two hours to clear out. Because many of the men were at work and their wives had to go and find them, the time provided by the police was insufficient. When all Roma had left the houses, the doors were sealed with masonry. The belongings and documents of those Roma who had not been found in time were sealed inside.

The operation in Via Castiglia had been initiated by the municipality, the owner of the houses. Municipal officials gave the squatters two options. The first option was that women and children only could be sheltered under a civil protection program, effectively breaking up the families. The other option was for all of them to move to the Via Barzaghi camp on the outskirts of the city. Via Barzaghi had no infrastructure at all: no toilets, water, electricity, and no barracks or any other shelter. On April 19, 1999, a delegation consisting of representatives of the evicted

[62] See "Snapshots from around Europe", *Roma Rights* 2/1999 at: **http://errc.org/rr_nr2_1999/snap18.shtml**

Roma and supportive local NGOs met with members of the local council; the monitor of the *ERRC* for Northern Italy also participated. The delegation tried to make it clear to the councillors that the Roma wanted adequate housing. Councillor Fumagalli either sincerely or disingenuously stated that he did not believe them. Councillor Fumagalli told them that normally what all Roma want is a camp and not a house.

On January 23, 1999, thirty-four-year-old Mr I.B. and his wife, who was nursing an approximately one-year-old baby, took the *ERRC* to the unauthorised camp in the Eboli-Battipaglia industrial zone from which they, together with other Roma, had been evicted the previous day between 3 and 4 PM.[63] Mr I.B. told the *ERRC* that first two cars arrived, carrying eight uniformed police officers; then another four cars with sixteen men in street clothes, bringing the total to twenty-four persons. They told residents of the camp that they should leave the site "right away", otherwise authorities would seize the eight cars and destroy the four trailers at the site. Mr. I.B. told the *ERRC* that he had asked the policemen why they were evicting them; he also asked for the papers authorising the eviction. He received no answer and was shown no papers.

So the Roma packed and left hurriedly, under the stare of the authorities' representatives. The *ERRC* saw pieces of clothing and broken furniture, also a broken metal stove, scattered around the camp; there were also some children's toys and Italian school readers and textbooks lying on the ground. Of the dozen or so makeshift barracks, several had been destroyed. Inside one of the shacks that remained standing, the *ERRC* team saw some heaps of clothing and some open packets of rice and sugar. "We had to hurry so much we didn't even take all the food," Mrs B. explained to the *ERRC*. The group then split up, looking for places to spend the night. The B. couple took the *ERRC* to the new impromptu camp where they and their relatives, around thirty in all, had spent the previous night. It was a place in the same industrial area, about ten kilometres away. It looked like an old dump, now overgrown with grass, in front of a dilapidated factory building. There they had spent the night in their cars and a couple of tents. The factory was full of dirt and unusable as a shelter; there was no water or electricity in the vicinity.

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[63] *European Roma Rights Center* interview with Mr I.B., January 23, 1999, Eboli-Battipaglia industrial zone.

There had been ten families – around one hundred persons – in the raided and now vacated camp; they were all Roma from Mostar, Bosnia. Mr I.B. and his wife have nine children, aged from eleven months to fourteen years. They arrived in Italy in 1990. At the time of the *ERRC* visit, they had never received residence permits; the last time they applied had been a month and a half prior to the *ERRC* interview. Since arriving in Italy, they had never had a legal fixed address. Authorities had repeatedly evicted them from sites and forced them to move on. They had come to this camp in September 1998, and stayed until evicted on January 22, 1999. Mr I.B. informed the *ERRC* that he had been living with his relatives for about three years in this industrial zone. During that time, they had been chased from one site in the zone to another, on average once every four or five months. In a subsequent interview with the *ERRC* on April 1, 2000, Mr I.B. stated that police had raided the site another seven times in the fourteen months since the *ERRC* had first interviewed him.[64]

Mr B.O. from the Viale Eritrea unauthorised camp in Milan also told the *ERRC* of evictions; these occurred around once every two months. The previous camp this group inhabited had been in Via Castellamare, Milan; the authorities would give them "five minutes to clear away,"[65] he said. He also told the *ERRC* that police came at irregular intervals, but roughly once every six weeks, and they imposed a fine on one of the trailers on the grounds that it was standing in an unauthorised site. The fine demanded would be relatively large. For example the last time, one month previously, it had been 800,000 lira (approximately 400 euros). If the fine was not paid, the police would come with a bulldozer and crush the trailer.

Another series of raids took place on May 28, 2000, in Rome. According to on-site monitoring by the *ERRC*, eyewitness testimony provided to the *ERRC* and to the Italian non-governmental organisation *ARCI*, as well as media reports, in the early morning hours of May 28, 2000, more than 1000 municipal police officers, *carabinieri* and members of the military conducted raids on the Arco di Travertino, Muratella, via Candoni-ATAC, la Rustica and Vasca Navale camps in Rome.

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[64] *European Roma Rights Center* interview with Mr I.B., April 1, 2000, Eboli-Battipaglia industrial zone, southern Italy.

[65] *European Roma Rights Center* interview with Mr B.O., January 27, 1999, Milan.

At the Via Candoni-ATAC camp, more than 200 municipal police officers and *carabinieri* arrived in riot gear, carrying rifles and truncheons, with military buses, two ambulances, four tow trucks and bulldozers. They entered the camp at approximately 2:15 AM and began ordering individuals out of their places of residence – camper vans and shacks. The 200 inhabitants were told by authorities to pack their belongings and that they would be transferred to another camp. Some camper vans were towed away with belongings inside, however. Romani inhabitants of the Via Candoni-ATAC camp were taken to the Muratella camp. One family, the T. family from Bosnia, was reportedly expelled from Italy with four children and sent to Bosnia, though no official had confirmed the expulsion as of July 16, 2000. Advisor for Nomad Affairs for the City of Rome Dr Luigi Lusi was present at the raid on the Via Candoni-ATAC camp and told the *ERRC* that "this is a simple and legal operation to give these people a better living space." When queried as to why the operation took place in the dead of night and without being announced, Dr Lusi told the *ERRC*, "when working with criminals, one has to move in secrecy, or else they will all escape."[66]

Members of *ARCI* and other observers arrived shortly after the raid began. According to their testimony, police used excessive force. During the raid, officers pushed one *ERRC* representative and used discriminatory and abusive language against Roma present. Officers refused to provide identification or to provide names and titles to the *ERRC* or to journalists present at the raid.

At the Vasca Navale camp, in response to a prior tip that the camp would be raided, all but three of the ninety inhabitants fled the scene before police arrival. The three inhabitants remaining were taken by police to the Muratella camp. Officers told them that camper vans in Vasca Navale would be impounded, but that inhabitants of the camp would be allowed to recover their belongings later. Instead, twenty vehicles were destroyed, four or five were impounded, all shacks were torn down and the camp was closed. City council member Mr Amedeo Piva later told members of *ARCI* that the destruction of the camper vans had been a "mistake" and that they would be replaced.

At the Arco di Travertino camp, more that 100 municipal police officers and *carabinieri* arrived in riot gear and carrying rifles and truncheons at approximately

[66] *European Roma Rights Center* interview with Dr Luigi Lusi, May 28, 2000, Rome.

1:30 AM. Officers arrived with a police bus, ambulance and two tow trucks. The Arco di Travertino camp is authorised by the city of Rome and is equipped with utilities and sanitary services. There were, at the time of the raid, forty inhabitants living in the camp. With the exception of one individual, all are either Italian citizens or have valid residence permits. Authorities announced that Romani inhabitants of the camp at Vasca Navale would be transferred to the Arco di Travertino camp and that the present inhabitants would be expelled from the camp. At approximately 10:30 AM Sunday, after a nine hour siege, the police evidently abandoned plans and left the premises.

During all of the raids, police closed roads in a one-kilometre radius around the camp areas. The operations took place during a strike by Italian journalists, precluding effective public scrutiny. In a press release of Sunday May 28, 2000, the City of Rome's Advisor for Nomad Affairs Dr Luigi Lusi stated: "This initiative [was] co-ordinated by the City of Rome, all police forces and immigration services. Apart from dismantling illegal camps, [we] managed to evict dangerous criminals. We found objects in their possession worth more than one billion lira (approximately five million euros) and large and expensive cars." Dr Lusi did not elaborate further on the nature of the objects "found" or whether they had been impounded by authorities. He also did not elaborate as to the nature of charges brought against the "dangerous criminals". Referring to unspecified individuals – and by inference all of the Roma concerned – Dr Lusi stated: "The City of Rome confirms its battle against criminality and delinquency. We have sent away the delinquents."[67]

On May 30, 2000, the *ERRC* sent a letter to Italian Prime Minister Giuliano Amato to express concern about the abusive raids in Rome on May 28. In the letter, the *ERRC* urged Prime Minister Amato to take a clear stand in condemning abusive police behavior and racist acts against Roma. The *ERRC* additionally urged thorough investigation into allegations that officers exceeded their legally sanctioned powers during the May 28 raids, and punishment of officers guilty of abuse. The *ERRC* called on Prime Minister Amato to ensure that possessions impounded be restored to Roma forthwith, and destroyed property be compensated. As of July 12, 2000, the *ERRC* had received no response to the letter.

[67] Press statement by the City of Rome Office of Nomad Affairs, May 28, 2000, Rome.

Police raids on Romani ghettos are an institution in Italy. Some police raids apparently stem from the notion that a "camp", especially a Romani camp, is a breeding place for thieves. Other raids are simply violent storms by gangs of police officers intent on disrupting life in Romani ghettos. Some raids seem intended to intimidate. Others are to evict. All of the raids documented by the *ERRC* had proceeded without officers producing valid warrants indicating the grounds for the raid. Even a legally conducted raid may be abusive.[68] The Italian raids for the most part violate, often seriously, international rules and norms on proper police conduct.

3.2. Abusive Use of Firearms

ERRC research indicates that police in Italy open fire on persons they believe to be Roma in circumstances in which they would be unlikely to shoot at non-Roma. A double standard seems to be applied in enforcing the law, based on racist prejudices on the part of the police. Police in Italy also use firearms abusively to intimidate Roma.

On May 22, 1998, at around 4:00 PM, Mr P.N., a police officer from the *carabinieri*, shot and permanently mutilated Natali Marolli, an 8-year-old Romani girl, in Montaione, approximately forty kilometres south-west of Florence. The bullet entered the car in which Natali was sitting along with three adults through the back-window, went through Natali's left eye, exited through the back of her head, and then hit and lightly wounded the front passenger, a Romani male, in the head. Another bullet lightly wounded Natali's mother, Biserka Nikolić, and then struck Natali in the cheek. The girl has been in a state of so-called "waking coma" since then. Natali's mother is a Romani woman from Serbia; her father, Halil Marolli, is a Kosovar Albanian. The police, who claim to have fired four shots in all, had apparently been waiting in ambush after having received a report that a "suspicious-looking car with Gypsies was in the neighbourhood."[69]

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[68] Raids *per se*, and particularly those involving Romani communities, often give rise to issues under Articles 3, 8, and 14 respectively of the European Convention on Human Rights – i.e. the freedom from inhuman or degrading treatment, the right to respect for private and family life, and the right to non-discrimination.

[69] Communication issued by the Montaione Police following the incident.

According to the police, when the car with the Roma didn't stop when ordered, they opened fire.[70]

As of May 30, 2000, no disciplinary measures had been taken against either officer. An initial investigation into the shooting acquitted Officer P.N. of attempted murder of the child. Thereafter, the three adults involved filed a complaint, requesting prosecution of the police for attempted murder. The case was dropped as the magistrate judged that the police had acted within the law. Natali was still in a coma as of July 20, 2000. As of May 30, 2000, on the basis of new evidence filed by the attorney for the parents of the victim, the case had been reopened by a Florentine prosecutor, and he had ordered new ballistics testing. No date had been set for the tests.[71] Civil suit for damages was filed on behalf of Natali but no hearings had taken place as of May 30, 2000.

The Italian criminal justice system has failed to provide proper remedy in cases of excessive use of force by police. In September 1993, Officer Valentino Zantoni of the *carabinieri* shot and killed an 11-year-old Yugoslav Romani boy named Tarzan Sulić and seriously wounded his 13-year-old cousin Mira Djurić in police custody in Padua. After lengthy legal proceedings, the officer of the *carabinieri* was given only a suspended sentence, despite protests and a petition signed by over 1000 people, including the mayor of Padua. He was reportedly removed from the *carabinieri*. *ERRC* investigation in 1998 revealed that a civil suit for damages had been dropped.

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[70] The United Nations Basic Principles for the Use of Force and Firearms by Law Enforcement Officials stipulates at point 9 that, "Law enforcement officials shall not use firearms against persons except in self-defence or in defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life."

[71] Case summary based on *European Roma Rights Center* interview with Ms Biserka Nikolić, Florence, January 17, 1999; *European Roma Rights Center* interviews with Mr Piero Colacicchi of *Associazione per la difesa dei diritti delle minoranze (Association for the Defense of the Rights of Minorities – ADM)*, January 15 and 16, 1999, Florence; and interview with attorney Antonino Filasto, January 18, 1999, Florence and May 30, 2000, Florence.

Shooting by police officers during raids in Romani camps is also reported with disturbing frequency. Inhabitants of the Muratella camp on the outskirts of Rome told the *ERRC* that sometime during the first half of January 1999, inhabitants of the camp were awoken during the night by gun shots. They saw several policemen, who explained to them that they had been shooting at a man they had been following, who ran into the camp and "disappeared". They shot into the darkness after the suspect. A Romani woman living in the Muratella camp, Ms R.H., told the *ERRC* that in the same camp in 1996, I.S., a boy of fifteen, was wounded in the leg when police shot him during a raid. She told the *ERRC:* "The police threaten us. They say things like 'If you don't tell me everything right now, I will shoot', and then they really shoot in the air."[72]

Forty-two-year-old Mr F.S. told the *ERRC* that he has witnessed police arbitrarily using firearms in Romani settlements on numerous occasions. He stated: "When they raid, the police enter with their guns out. They threaten you, they say they will shoot if we don't answer all of their questions. And then they really fire into the air."[73] In such cases the police reportedly use such threats to extort information from presumed witnesses or suspects.

Police are quick to draw weapons as a form of intimidation in camps. In the unauthorised Masini camp near Florence, the *ERRC* was told that during a raid there in the autumn of 1998, a police officer pointed a pistol at the head of a small girl. He reportedly threatened her and accused her family of hiding the father of the girl, for whom they were evidently searching. The father, 31-year-old Mr N.S., told the *ERRC* that at the time he had been at work; upon returning to the camp, he learned that officers had been looking for him and went to the police station voluntarily. There, officers informed him that it had been "a mistake", and that they did not want him after all. Officers reportedly did not apologise for having

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[72] *European Roma Rights Center* interview with Ms R.H., January 20, 1999, Rome. The Unites Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials states, under "General Provisions" at point 4: "Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result."

[73] *European Roma Rights Center* interview with Mr F.S., January 20, 1999, Rome.

pointed a firearm at the head of Mr N.S.'s daughter.[74] In the unauthorised Etrea camp in Milan, the *ERRC* was told by 37-year-old Mr B.O. that he had witnessed police officers beating a fourteen-year-old boy named R.O. in the camp; then one of them pointed his gun at the boy's head, threatening him.[75]

3.3. Torture and Physical Abuse

Physical abuse of Roma by police officers and other security officials in Italy is widespread. The *ERRC* has documented numerous instances of beatings and other instances of physical abuse of Roma by officers. Physical abuse takes place in custody and in public. Often police use violence on Romani detainees in order to force them to confess to crimes.

In the Borgosattolo camp at Brescia, the *ERRC* documented an extreme instance of police abuse in detention. On November 7, 1998, three Romani youths from the camp, all from Kosovo, Mr H.M. (22), Mr N.F. (20) and Mr F.S. (17), were detained in connection with an attempted theft, searched, put into a police car together with three policemen and driven to the local municipal police station at around 12:15 PM. They were taken into a room inside the station. Soon thereafter, a police officer came, carrying a knife with a blade longer than that permitted by law. He reportedly stated that the knife had been found in the car that had just brought the Romani youths to the police station and that it must be theirs. All three denied having ever seen the knife. The three were then separated by officers into three corners of one room. There were, according to victim testimony, six police officers in the room; two were left to guard the door from the outside. One officer, whom the victims described as "middle aged", approached Mr N.F. in his corner and asked him to tell him to whom the knife belonged, or he would beat him. Mr N.F. denied that the knife belonged to any of them. The officer then started beating him, with slaps, punches and kicks. The same policeman then went to Mr F.S., and after Mr F.S. denied that the knife was theirs, beat him in the same manner; he also took him by the

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[74] *European Roma Rights Center* interview with Mr N.S., January 17 1999, Florence.

[75] *European Roma Rights Center* interview with Mr B.O., January 27, 1999, Milan.

hair and hit his head against the wall. Another policeman then approached, one who was known to the victims as an officer who often acts abusively in the Borgosattolo camp, and said that they would get some oil and set Mr F.S.'s hair on fire. By that time Mr F.S. had fallen to the floor. He told them that he had a heart condition and the officer beating him stopped.

The same officer then reportedly went to the third detainee, Mr H.M., and demanded to know who owned the knife. H.M. stated that he did not know, so the officer started beating Mr H.M. using punches and kicks. Mr H.M. had had his pancreas operated on three months previously; he tried to protect his stomach, and told the policeman about the operation. The policeman reportedly answered, "I don't care," and continued beating him, the stomach area included. During the beating, the abusive officer reportedly insulted the ethnic origins of the three men, calling them "Gypsy bastards" and "cretins".[76] Only after the beating did officers offer to provide the men with access to an attorney.[77]

In detention following the beating, all three men were examined by doctors; one of the victims told the doctor that he had been beaten. The three men also reported the beatings to their legal representatives. All of the lawyers counselled them not to complain of the beating. Four months after the incident, the *ERRC* and a local human rights group asked a lawyer to try and find a record of the beating in the medical files of the detention centre. The lawyer did not succeed in procuring any official documentation of the abuse.

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[76] Case summary based on *European Roma Rights Center* interview with Mr H.M., January 28, 1999, Brescia; *European Roma Rights Center* interview with Mr N.F., January 28, 1999, Brescia; *European Roma Rights Center* interview with Mr F.S., January 28, 1999, Brescia.

[77] United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 17 (1) states: "A detained person shall be entitled to have the assistance of a legal counsel. He shall be informed of his right by the competent authority promptly after arrest and shall be provided with reasonable facilities for exercising it." In *John Murray v. the United Kingdom* (February 8, 1996, R.J.D., 1996-I, No. 1.), the applicant was refused access to a solicitor for 48 hours. The European Court of Human Rights found that the applicant's rights under Article 6(3)(c) of the European Convention on Human Rights – i.e. to defend himself through legal assistance of his own choosing – had been violated. The Court based its decision on the finding that due to the fact that inferences could be drawn from his silence or indeed responses to police questions, the applicant was in a position whereby the restriction on access to legal advice had irretrievably prejudiced his defence.

Instances of extreme abuse by authorities of detained Roma in Italy are not isolated. On the night of December 31, 1997, according to the victims, 18-year-old Ms L.J., 22-year-old Mrs E.N. and the 22-year-old Romani husband of the latter, Mr R.N., were detained in the street in Palermo, Sicily, by police for allegedly attempting to burgle a flat. The police made them stand with their legs wide apart, leaning against a wall, and searched them. While they were standing like this, the police hit Mr R.N. on the head with a handgun. Then the police tried to look under the skirt of Mrs E.N. She started to scream. Mrs E.N. had given birth to a child three days before this arrest. While searching Ms L.J., a police officer reportedly pulled her hair.

Police subsequently transported the three Romani suspects to a nearby police station. Once inside, the women were told to sit on benches in a corridor and were handcuffed. Mr R.N. was locked in a room off of the same corridor. The women watched as officers periodically entered the cell one by one. Then they would hear Mr R.N. scream in pain. The women assumed he was being beaten. They cried and implored the policemen to stop the beating. In response, officers several times pulled their hair, and they could hear the beating of Mr R.N. continuing.

The women were kept in the corridor handcuffed for a period of several hours. Finally female officers came and searched them. After they had put their clothes back on, a male police officer entered the room. He kicked Mrs E.N. in the lower back. She then fell on the floor and started to scream. Officers then beat her for screaming. Officers then continued to beat both women. At one point, Mrs E.N. threatened to report the abuse and officers beat her in retaliation. In response to the fact that Mrs E.N. was continuously screaming, officers took a skirt which Mrs E.N. was carrying in a bag, tore it into pieces, and gagged her with it. The women were then taken to the room where Mr R.N. was detained. They saw that his body was swollen and bore evidence of having been beaten. Ms L.J. was told by officers to remain in this room, and the wife of Mr R.N., Mrs E.N., was put in a room next to theirs. The man and woman could hear Mrs E.N. screaming despite the gag and assumed that she was being beaten.

Then police officers entered the room where Ms L.J. and Mr R.N. were. One of them told Mr R.N. his address and asked if Mr R.N. would like to go there. When Mr R.N., in a state of confusion after the severe physical abuse, replied that he would, the police officer struck him with his fist, accusing R.N. of intending to break into his house. When Ms L.J. protested, the same officer struck her.

Ms L.J. was then taken to the room where Mrs E.N. was. She saw that Mrs E.N. was red in the face and bleeding. Ms L.J. protested the beating of Mrs E.N. Reacting to this, police officers handcuffed her to the radiator. While Ms L.J. was sitting on the floor, handcuffed to the radiator, the police amused themselves by throwing firecrackers at her (it was New Year's Eve). Then they brought Mr R.N. into the same room and made him stand against the wall, handcuffed. Officers forbade the Roma from speaking. When L.J. said something, officers made her stand up, go to the window, and then reportedly told her that she would have to remain standing by the window until morning.

Because it was New Year's Eve, toward the middle of the night, the police officers opened bottles of champagne. They pretended they were going to give some to the detainees, but at the last moment would pull the glass from their lips and jeer at them. Ms L.J. told them she didn't want any, and officers then forced her to drink. Then they ordered Mr R.N. to stand up and "walk". When he had taken two steps, one police officer tripped him up, and Mr R.N. fell down, hitting his face on the floor. His nose started bleeding, and he later discovered that it was broken.[78]

In another case of police ill-treatment of Roma, Mr M.S. also reportedly suffered physical abuse at the hands of police officers after he was detained in Palermo. His wife, Mrs L.S. told the *ERRC* that he had been lying in the back seat of a car when the car was stopped by police for running a red light in Palermo. Officers then dragged him out of the car, put a truncheon below his chin and, holding the two ends of the truncheon, forced him to walk to a nearby police station. At the station, Mr M.S. was made by officers to sit on a chair, handcuffed. Then they hit him with truncheons in the stomach, on the legs and on the back. They also struck him all over his body with their fists and they kicked him. After the beating, he was reportedly left tied to the same chair all night.[79] Mr M.S. subsequently spent four months in jail for charges related to the incident and a pending arrest warrant. Mrs L.S, wife of Mr M.S., told the *ERRC:* "When [my husband] was released in September, four months after his arrest, and he came back home, he had changed

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[78] Case summary based on *European Roma Rights Center* interview with Ms L.J. and members of her family, January 24, 1999, Palermo.

[79] Case summary based on *European Roma Rights Center* interview with Mrs L.S., January 24, 1999, Palermo.

completely. He would speak very little, and he wouldn't eat. His spirit was completely broken. I insisted that he report the beating and that we complain somewhere, but he said that this would be very dangerous and that we would be killed if we complained."[80] They did not complain. Mrs L.S. was very afraid of retaliation for having spoken with the *ERRC*.

Sometimes, officers physically abuse Roma in public and in broad daylight. Thirty-eight-year-old Mr M.M. told the *ERRC* that on one occasion while he was begging with his four-year old child in a street of Mestre, in mid-December 1998, a policeman got out of a car and without provocation punched him in the face. Then the officer took Mr M.M.'s child away from him. The child was eventually restored to the family.[81] Twenty-year-old Ms S.D. similarly reported to the *ERRC* that she was begging in downtown Pisa with her infant child, when a policeman came, accused her of theft, beat her and then let her go.[82] Forty-one-year-old Ms D.P. told the *ERRC* that when police see her begging in Venice or

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[80] *European Roma Rights Center* interview with Mrs L.S., January 24, 1999, Palermo.

[81] Case summary based on *European Roma Rights Center* interview with Mr M.M., January 29, 1999, Mestre. Since Italian employers often will not hire Roma, begging is a common way for Roma to earn a living in Italy. There is no law against begging in Italy, but authorities often apply legal provisions outlawing the exploitation of minors. Children may be removed from their parents' custody on such grounds. The Italian newspaper *La Repubblica* reported on April 4, 2000, that "Slajana", an eight-year-old Romani girl had been taken into custody by police while selling flowers with her mother in Naples. She was then placed in a religious institution. She is reportedly one of fifty Romani children who had been taken from their parents and placed in the custody of other families or institutions in the three months preceding publication of the article. The Minor's Adoption Law (184/1983), which treats children as abandoned if their parents cannot provide them with continuous moral and material support, leaves remarkable discretionary powers to the authorities applying it — powers easily abused by zealous, ignorant or racist authorities. Dr Luigi Lusi of the Office of Nomad Affairs of the City of Rome told the *ERRC* on March 5, 2000, that Romani children are commonly removed from their families because "they fail to integrate their children into Italian society by sending them to school" (see *European Roma Rights Center* interview with Dr Luigi Lusi, March 5, 2000, Rome). Dr Lusi additionally told the *ERRC* on March 8, 2000, "If a Gypsy parent chooses not to send their children to school, the reasons are obvious: they have sent them out to steal and beg. They do not deserve what our country has to offer." (see *European Roma Rights Center* interview with Dr Luigi Lusi, March 8, 2000, Rome). By contrast, Italian families who do not send their children to school are commonly fined 250,000 lira (approximately 125 euros) for truancy under Article 731 of the Italian Penal Code.

[82] Case summary based on *European Roma Rights Center* interview with Ms S.D, January 18, 1999, Pisa.

Mestre, officers sometimes just tell her to go away, while others ask her to give them her bag "for a check", and "confiscate" all money found. After taking the money, they threaten her and order her to go away. Other officers reportedly start by beating her and then take her money.[83] Other women and girls from the same camp near Venice reported similar experiences with the police when they beg. Many Roma in Italy told the *ERRC* that beatings are something to be expected from the police; "Life is like that," said Ms D.P.

Sixty-year-old Mr I.D. told the *ERRC* that at the end of November 1998, his 17-year-old nephew F.D. had been arrested and brought by police to the Coltano camp on the outskirts of Pisa, where he lived. There he was seen by Mr I.D., his wife, and also by other camp inmates. His face bore traces of a severe beating, including extremely swollen eyes. Later he was charged with stealing a car.[84]

In June 1994, officers reportedly detained Mr N.H. in Florence, drove him to an obscure location outside the city, where they severely physically abused him and then abandoned him. Mr N.H. filed a complaint with the police, including a detailed description of the officers who had assaulted him. To date, the police officers who abused Mr N.H. have not been brought to justice.[85]

Most instances of police abuse of Roma are never reported because the police threaten and harass Roma who dare to report illegal activities conducted by authorities. Mr Z.M. (28) is an ethnic Serb married traditionally, but not formally to a Romani woman. About three years before the interview with the *ERRC*, he was out begging with two Romani men in a central street in Mestre. Along came a car with three policemen, then another with two more; they got out of the car and without provocation started beating him and his two companions. Mr Z.M. reported being hit hard with two fists simultaneously on both sides of the head. Officers also menaced the three men with firearms, then handcuffed them and took them to a police station. Officers searched Mr Z.M., but they found nothing to incriminate

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[83] *European Roma Rights Center* interview with Ms D.P., January 29, 1999, Mestre.

[84] *European Roma Rights Center* interview with Mr I.D., January 18, 1999, Coltano camp, outskirts of Pisa.

[85] See Colacicchi, Piero, "Down by Law: Police Abuse of Roma in Italy", *Roma Rights*, Winter 1998, pp.25-30 and at **http://errc.org/rr_wint1998/noteb1.shtml**.

him; he also produced a valid residence permit. The police then threatened him and told him not to beg, and hit him again with their fists. They also spat at him, used profanities and told him to go "back to his country". Then they told him that he was free to go, but did not return his car keys, which they had taken during the search. They formed a circle and tossed the keys from one policeman to another. Finally he was allowed to have his keys and was released. He complained of the incident to a social worker at the municipality of Mestre and was told that he should not complain officially, because "nothing would come of it"; so he did not.

3.4. Discriminatory Targeting of Roma by Police

There are numerous allegations that police single out old cars in bad repair for control on the road, because it is assumed that such cars are owned by immigrants. They then reportedly directly ask whether the travellers are "Gypsies", or assume that the occupants are Roma if they are dark-skinned. Abuse often follows. Ms M.D. told the *ERRC*, "When the police search our van, they throw everything out on the ground."[86] Officers seeking to find Roma in violation of Italian laws are aided by Article 707 of the Italian Penal Code under which "unjustified possession of universal keys or locksmith equipment" is a crime. Under Article 707, Roma can and often are charged with crimes if caught in possession of tool chests.

3.5. Theft by Authorities

Italian police officers frequently steal from Roma during raids or when carrying out checks on Roma in the street. When Italian police steal from Roma they do it openly, taking whatever they want.

Mrs Daniell Soustre de Condat, a non-Romani anthropologist and chair of the NGO *International Committee for the Defense of Migrant Children (Comitato internazionale per la difesa dei bambini migranti)*, based in Palermo, told the *ERRC* that in her opinion, theft often occurs during police raids. The most revealing case, according to her, took place in Palermo, during a raid in June 1994 in the camp at Messina Marina Street, when a police officer took some jewels belonging to 18-

[86] *European Roma Rights Center* interview with Ms M.D., January 29, 1999, Mestre.

year-old Ms V.J. The police officer did this openly, saying that the jewelry had been stolen. He did not give the owner any receipt documenting the confiscation of the jewelry. Ms V.J., however, had been paying for the jewels in installments and had receipts from the jeweler's shop for the monthly payments. Through Mrs Soustre de Condat she contacted a lawyer and sued the perpetrator. The case was reportedly dismissed for lack of evidence.[87] Several Roma interviewed by the *ERRC* from camps in different parts of Italy gave similar testimonies of theft by police. Ms R.H., in the Muratella camp in Rome, said: "The police come often here and they are in the habit of taking things, especially gold and jewelry." She told the *ERRC* that the police never give any documents when they take valuables.[88] Forty-two-year-old Mr F.S. of the Tor de' Cenci camp in Rome, described theft by police in similar terms: "Police enter dwellings brutally, search the place, and if they see something they like, they just take it. They never give a receipt or anything for the objects taken."[89]

Thirty-two-year-old Mr V.M. and forty-year-old Mr T.J. live in different parts of the huge unauthorised Secondigliano camp in Naples. They were interviewed separately at their dwellings, but both told the *ERRC* the same story: when the police come for a control check or for a raid, they demand money, and the Roma give it to them. Mr V.M. stated that a "usual" amount is between 50,000 and 100,000 lira (about 25 to 50 euros). Mr T.J. stated that police also take jewelry and never give a receipt.[90] Reports concerning unlawful confiscation have been received from Roma in the Secondigliano camp near Naples; and from Roma in camps located in Crotone, Palermo, Florence, Venice and the Veneto region.[91] The *ERRC* is unaware of any police officers who have been disciplined or prosecuted for these crimes.

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[87] *European Roma Rights Center* interview with Mrs Daniell Soustre de Condat, Palermo, January 24, 1999.

[88] *European Roma Rights Center* interview with Ms R.H., January 20, 1999, Rome.

[89] *European Roma Rights Center* interview with Mr F.S., January 20, 1999, Rome.

[90] *European Roma Rights Center* interview with Mr T.J., January 22, 1999, Naples.

[91] *European Roma Rights Center* interviews in Florence, September 1997 and Naples, Crotone, Palermo and Venice, January 1999.

3.6. Confiscation of Papers

Besides beatings and degrading treatment, the *ERRC* was told of numerous cases in which police ask Roma for documents and when given them, destroy them or threaten to destroy them. In other instances, police simply confiscate identity papers. Thirty-four-year-old Mr I.B. told the *ERRC:* "In the market place police ask to see our documents and accuse us of theft. Then they search us and our cars. If they do not find anything, they tear up our documents and tell us that they were false. Then they let us go."[92] In the camp at Crotone, 54-year-old Mr T.N., originally from Kosovska Mitrovica in Kosovo, told the *ERRC:* "If you complain about anything, the police take away your documents."[93] The *ERRC* also heard about one case of successful protest. Twenty-seven-year-old Mr R.P. told the *ERRC* that he was begging in Lodi (Lombardy) approximately ten days before the interview. The police stopped and asked him for papers. He gave them his papers and the police threatened to tear them up. Then he cried several times "official document", and the police returned the papers and let him go.[94] One Romani man in the Eboli-Battipaglia industrial zone, Mr I.B., told the *ERRC* that police often demanded to see identification documents during raids, but that he and his family did not show them because they were afraid that the police might not return them "as revenge for having built shacks on an unauthorised site."[95]

3.7. Sexually Abusive Searches of Women

Another form of abusive behaviour by police officers, reserved especially for women, is "strip-searching".[96] The *ERRC* collected testimony that indicates that

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[92] *European Roma Rights Center* interview with Mr I.B., January 23, 1999, Naples.

[93] *European Roma Rights Center* interview with Mr T.N., January 25, 1999, Crotone.

[94] *European Roma Rights Center* interview with Mr R.P., January 25, 1999, Milan.

[95] *European Roma Rights Center* interview with Mr I.B., January 23, 1999, Eboli-Battipaglia industrial zone.

[96] Strip-searches may violate international legal provisions guaranteeing freedom from inhuman and/or degrading treatment, the right to respect for one's private and family life, as well as of the principle of non-discrimination – i.e., *inter alia*, Articles 3, 8, and 14 of the European Convention on Human Rights respectively.

strip-searches are accompanied by degrading treatment and sexual harassment. Twenty-eight-year-old Ms L.L. reported to the *ERRC* that she had been beaten and strip-searched by male police officers at a police station following accusation of theft when she was thirteen; her parents sued the police on her behalf, but the lawsuit dragged for several years, the family moved to another part of the country and "nothing came of it."[97] Thirty-seven-year-old Mrs M.M. told the *ERRC* that in Rome, when Romani women are seen begging, they are often strip-searched. Police reportedly take the woman somewhere close to the place where she has been caught begging and order her to undress. Strip-searches take place in the Coliseum, in Piazza di Spagna and Termini Central Railway Station. Termini Station seems to be of worst repute: there the police have regular premises, where the victims are taken and strip-searched.[98] If the detained Romani woman refuses to undress, officers beat her. The strip-search is commonly conducted by either male or female police officers. Romani women interviewed by the *ERRC* stated that male officers occasionally demand sexual favours from them. There are additionally reports that police have cut off the hair of Romani girls found begging.[99] Many Roma also reported to the *ERRC* that officers frequently detain Romani women caught begging, bring them to remote areas, and leave them there.

Strip searches of women by male police officers are illegal under Italian law. Article 79 of the Italian Criminal Procedure Code states: "Searches and personal inspections are performed by persons of the same sex as the person who is being searched, unless where this is impossible or absolutely urgent circumstances require otherwise or when the search is performed by a person in the health profession." Additionally, Article 249(2) of the Italian Criminal Procedure Code states: "Personal searches are performed with respect to personal dignity and where possible, with respect to the modesty of the person being searched." Article 609 of the Italian

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[97] *European Roma Rights Center* interview with Ms L.L., January 28, 1999, Brescia.

[98] *European Roma Rights Center* interview with Ms M.M., January 20, 1999, Rome and *European Roma Rights Center* interview with Ms R.H., January 20, 1999, Rome.

[99] See *European Roma Rights Center* interview with Ms Remzija Sulejmanović, November 24, 1998, Torino; she reported to the *ERRC* that her 14-year-old daughter Patricija had suffered this treatment in 1994. Other incidents of the practice were reported to the *ERRC* in Milan, Florence and Rome. See also Amnesty International, "Italy: Alleged torture and ill-treatment by law enforcement and prison officers," April 1995, Appendix p.12.

Criminal Code states: "A public official who abuses his authority while carrying out a personal search or inspection shall be sentenced to up to one year imprisonment." The *ERRC* knows of no case in which police officers have been disciplined or prosecuted for abusive searches of Romani women.

3.8. Failure to Provide Proper Interpretation to Foreign Roma Accused of Criminal Acts

On August 15, 1998, 42-year-old Mr F.S., originally from Bosnia, was driving his car in the vicinity of his camp in Rome when he was stopped by a police officer.[100] She ordered him out of his car. She pointed a gun at him and ordered him to put up his hands. He did so. Then she shouted at him: "Don't look at me, look at the ground!" and pointed the gun at his head. Mr F.S. was then taken to the police station and interrogated. He was made to sign a document which he did not understand well, as it contained complicated legal language. Nobody explained the document to him, they insisted only that he sign, and then they would let him go. He signed. Later, out of detention, he learned that he had signed a paper saying that he had been caught stealing a car and was charged with a criminal offence.[101]

3.9. Failure to Provide Information Concerning Detained Roma

On another occasion, while the *ERRC* were interviewing Mr S.H. (40) from the former Yugoslavia in the Tor' de Cenci camp in Rome[102], a visibly agitated man came into the room and spoke to the interviewee. He stated that minutes beforehand, he and Mr M.H. (35), brother of the interviewee, had been stopped by police while driving together. Both were ordered out of the car and beaten with punches and kicks. The speaker was then released, but Mr M.H. was taken "to the nearest police

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[100] *European Roma Rights Center* interview with Mr F.S., January 20, 1999, Rome.

[101] The International Covenant on Civil and Political Rights (ICCPR), at Article 14(3), provides, "In determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him; [...]"

[102] *European Roma Rights Center* interview with Mr S.H., January 20, 1999, Rome.

station". The *ERRC* team volunteered to go to the police station in question and make inquiries. After a long conversation following an initial refusal to allow the team to enter the police station at all, only one of them was let into the police station plus one interpreter, "for security reasons". They were told by the officer on duty that nobody had been arrested that night. The *ERRC* team was skeptical as to whether they had been told the truth; in an attempt to check, they visited four more stations (three police and one *carabinieri);* in all places, knowledge of such an arrest was denied. The next day, the *ERRC* team was told by Mr S.H. that the victim had indeed been in detention in the first police station the *ERRC* had visited. He had been released in the morning, but had not returned to the camp and would "disappear" for several days, because he was afraid that police would detain him a second time.[103]

3.10. Threats and Police Violations of the Right of Assembly

Police in Italy have recently attempted to intimidate Romani leaders organising in response to the rising tide of anti-Romani sentiment, evidently attempting to impede their right to freely assemble. On March 15, 2000, a meeting of Romani heads of families was called in Rome to discuss increasing police violence and the risk of expulsion. Italian journalists and observers were invited. On the way to the meeting, each of seven Romani heads of families was stopped in different locations by municipal police citing various misdemeanours, mostly traffic violations. All were reportedly given warnings by the officers during the checks such as, "It would be in your best interest to call off today's meeting."[104]

Italian police have also reportedly recently attempted to intimidate members of non-

[103] The United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 16(1) states: "Promptly after arrest and after each transfer from one place of detention or imprisonment to another, a detained or imprisoned person shall be entitled to notify or to require the competent authority to notify members of his family or other appropriate persons of his choice of his arrest, detention or imprisonment or of the transfer and of the place where he is kept in custody."

[104] *European Roma Rights Center* interview with Mr Stefano Montesi, March 15, 2000, Rome. Article 11 of the European Convention of Human Rights (ECHR) guarantees the freedom of peaceful assembly. Article 11 protects not only public meetings but also private gatherings as well (see Switzerland 8191/78, (Dec.) October 10, 1979, 17 D.R. 93). Article 11 protects individuals as well as organisations. In attempting to obstruct meetings by Romani and human rights activists, Italian authorities may have additionally committed breaches of Article 9 of the ECHR, protecting freedom of thought, conscience and religion, and Article 10, protecting freedom of expression.

governmental organisations working on behalf of Roma rights in Italy. A letter dated March 16, 2000, was sent by Mr Mario Vallorosi, director of the Immigration Office in Rome, to Mr Sergio Giovagnoli, the president of the local branch of the non-governmental organisation *ARCI*, and to Rome City Council member for social issues Mr Amedeo Piva. The letter was also copied to Dr Luigi Lusi, the City of Rome's Advisor for Nomad Affairs; Dr Serpieri, director of Immigration and Nomad Affairs, and to several other City offices. In the letter, Mr Vallorosi complained about the actions of two members of *ARCI* during police raids in the Via Carucci camp on March 3, 2000. The letter accuses the two of "uncivil conduct, aggression and obstruction of justice" with respect to two immigration officers. It asks for the punishment of the two members for the good of our "Gypsy friends"[105] who deserve better assistance than what the two "uncivil" workers can provide. The *ARCI* members concerned have denied the accusations.

3.11. Inadequate Sanction for Officers Who Abuse Their Authority

When Roma are the victims of police abuse, the criminal justice system is ineffective. In one well-publicised case, Florentine police officer Riccardo Palagi was sentenced to one and a half years in prison in 1992 in a first instance procedure, after having been accused by many Roma among other things of destroying documents and physical abuse. Two years later he was acquitted after appealing to the Supreme Court. During the trial, the Florence police went on strike to protest against his indictment. There was broad popular support for Mr Palagi.[106]

Another example of inadequate response by authorities to police abuse is the so-called "White Fiat 1 case". On the night of December 23, 1990, a car stopped near a Sinti and Roma camp in Bologna, and individuals inside shot rounds into the camp, wounding several people and killing two Sinti, Ms A. della Santina and Mr R. Pellinati. The car then sped off. For a long time the Italian media attributed the killing to rivalry between drugs or weapons dealers and to "Gypsy crime", although no drugs or weapons had been found in the camp. Only after three *carabinieri* officers were also

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[105] See letter from Mr Mario Vallorosi, director of the Immigration Office in Rome, to Mr Sergio Giovagnoli the president of the local branch of *ARCI*, and to Rome City Council member for social issues, Mr Amedeo Piva, March 16, 2000.

[106] See Colacicchi, Piero, "Down by Law: Police Abuse of Roma in Italy", *Roma Rights*, Winter 1998, pp.25-30 and at **http://errc.org/rr_wint1998/noteb1.shtml**.

shot dead, with what proved to be the same weapons, did a real investigation begin. After some months, two Bologna policemen were arrested, tried and convicted for the killings.[107]

3.12. Discrimination by Judicial Authorities

Romani defendants are subjected to pre-trial detention more often than non-Roma, and receive disproportionately severe sentences.[108] One police officer in Rome told the *ERRC*, "Roma [in Italy] are held in detention for longer periods of time and more frequently than non-Roma for the same offence."[109] Since most of the Roma in Italy – and only Roma – live in camps, and camp addresses are not considered reliable,[110] Romani defendants are placed in pre-trial detention on flight-prevention grounds even for minor infractions for which non-Roma are routinely released.[111] Employing similar reasoning, judges often sentence Roma to prison terms for crimes which might, in other cases, merit non-custodial punishment. In one recent case, when Ms Razema Hamidović, a 42-year-old Romani woman who spent the first portion of her nine-year sentence in prison, asked to serve the

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[107] *Ibid.*

[108] The discriminatory treatment of Roma in the judicial system violates Article 14 of the European Convention on Human Rights (ECHR), taken together with Article 6 of the ECHR.

[109] *European Roma Rights Center* interview with a police officer whose name is withheld, Rome, January 1999. Persons familiar with the Italian criminal justice process estimate that Roma and non-EU citizens run twice as high a risk to be sentenced to imprisonment, and spend on average 30 percent more time in prison, than non-Romani Italians and EU-citizens convicted for the same offence.

[110] Persons living in camps are commonly provided with identity documents stating simply, "without address," or providing only a collective address for the entire camp.

[111] On February 18, 1999, in denying a request for pre-trial release on the part of three Romani men detained on charges of burglary, Investigating Judge Antonio Crivelli in Florence highlighted what he referred to as "the risk of flight due to the fact that they are nomads without stable housing [...]." (Document No. 4359/98 RNR; No. 102980/98 R.G. G.I.P.).

remainder in a non-custodial capacity, the reviewing magistrate rejected the request, reportedly stating, "We cannot let her out! She is a nomad and will never report to us! If we let her go, we will never see her again!"[112]

Finally, the Italian government itself acknowledges that, notwithstanding the principle of equal treatment of prisoners, "in practice, there is no real guarantee that foreign citizens in prison will be treated like Italians."[113] In addition to ill-treatment,[114] Romani inmates suffer disproportionately from prison regulations which do not recognise traditional and common law marriages, but reserve only to legal spouses the right to visit inmates.[115]

3.13. The Follow-up: Expelling Roma from Italy

Allegations of abuse of Roma by police and other authorities is not a new development in Italy. The Concluding Observations concerning Italy of the United Nations Committee against Torture noted "a tendency to discriminatory treatment by sectors of the police force and prison warders with regard to foreigners," and expressed "concern" regarding "the persistence of cases of ill treatment in prisons by police officers" and "a dangerous trend towards some racism, since the victims are either from foreign countries or belong to

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[112] *European Roma Rights Center* interview with Ms Razema Hamidović, January 21, 1999, Florence.

[113] United Nations Committee on the Elimination of Racial Discrimination, "Reports submitted by States Parties under Article 9 of the Convention, Eleventh periodic reports of States parties due in 1997, Addendum, Italy", CERD/C/317/Add. 1, 20 July, 1998, para. 30.

[114] See United Nations Human Rights Committee, "Summary records of the 1679th meeting: Italy," CCPR/C/SR.1679, 28 July, 1998, para. 48 (noting "frequent cases of ill-treatment" [...] linked with the problem of racial discrimination.").

[115] According to Italian law, only certain legally recognised relatives are granted the right to visit inmates without a special permission issued by the prison director upon presentation of a certificate concerning relationship to inmate – which, in turn, is to be obtained by the police (Circular of the Department of Penitentiary Administration (D.A.P.), 29 December, 1986 No. 3191/5641, para. 1). Reports indicate that the police often refuse to issue such certificates to Roma living in camps, apparently claiming that assessment of the type of relationship in such situations is impossible.

minorities."[116] Amnesty International too has observed that "[a] high proportion of allegations [of police ill-treatment] concern immigrants from outside Western Europe – most of them from Africa – and an increasing number of Roma. [...] The most common forms of ill-treatment alleged are repeated slaps, kicks and punches, and beatings with truncheons, frequently accompanied by general verbal abuse and, in the case of immigrants and Roma, racial abuse. [...] Officers attached to one city police force are said to have chained some immigrants to hot water radiators and transported others outside the city, removed their shoes and forced them to walk back barefoot."[117]

The human rights situation of Roma in Italy has recently, however, entered a new phase. On March 3, 2000, more than four hundred municipal and state police conducted a pre-dawn blitz at the Tor de' Cenci camp located on the northern periphery of Rome. The raid ended in the deportation of thirty-six Roma from Tor de' Cenci, in explicit contravention of Article 4 of Protocol 4 of the European Convention on Human Rights, which bans the collective expulsion of aliens. Another twenty Roma from the Casilino camp on the other side of Rome were deported on the same plane, victims of a simultaneous raid. The Tor de' Cenci camp was shut down during the operation, and authorities in Rome have recently stated that they intend to shut down all unauthorised camps in Rome by the end of the year 2000.[118] Authorities in Italy now appear intent not only on raiding Romani camps, destroying property and homes, and forcing the Roma to move on; there now appears to be a new will to capitalise on intense anti-Romani sentiment in Italy by abusively expelling Roma from the country.[119]

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[116] United Nations Committee against Torture, "Concluding Observations of the Committee against Torture: Italy", A/50/44, paras.146-158, 26 July, 1995, paras. 153-154.

[117] Amnesty International, "AI Concerns in Europe: January-June 1995," September 1995, p.30.

[118] City of Roma Advisor for Nomad Affairs Dr Luigi Lusi, interviewed by *European Roma Rights Center* local monitor Kathryn D. Carlisle, March 8, 2000, Rome.

[119] According to the press office of the Italian Ministry of the Interior, in the period of January-May 2000, there was an approximately 18% increase in the number of expulsions from Italy over the same period in 1999. According to the same source, the Ministry keeps no record of the number of Roma expelled.

According to media reports and eyewitness testimony, the March 3, 2000 raid at the Tor de' Cenci camp, inhabited mainly by Roma from Bosnia, took less than three hours. All of the inhabitants of the camp were detained and subjected to checks. Those Roma who had valid permits issued by local police – reportedly 98 out of 210 persons in the camp – were detained and brought to a nearby camp at Via Carucci, approximately fifteen kilometres from the camp at Tor de' Cenci, also on the edge of Rome. Those Roma who did not have valid permits – reportedly 112 individuals in total – were detained and subjected to numerous record checks and interrogations. Officials destroyed property belonging to Roma in the process of dismantling the camp and reportedly physically abused individual Roma. Journalists and monitors were not allowed to witness the operation, neither the breakdown of the camp, nor the deportation from the airport. Referring to the Roma concerned as "nomads", Mayor of Rome Mr Francesco Rutelli stated in a faxed press release dated March 6, 2000, that the operation had been "successful" and that police had expelled "nomads involved in illegal activities" from Italy.[120]

A simultaneous operation, also aimed at Roma from Bosnia, took place in the Casilino 700 camp. According to witnesses, a squad of police and *carabinieri* violently entered the camp. Officials reportedly broke windows and used abusive physical force while detaining individuals, as well as insulting the ethnic origins of Roma in the camp. Authorities detained approximately thirty Roma from the upper right zone of Casilino 700 – known to be the "Bosnian" area of camp.

Two police buses drove thirty-six Romani men, women and children from the Tor de' Cenci camp to Rome's main airport, Leonardo da Vinci, in the nearby suburb of Fiumicino. Upon arrival at the airport, the Roma were ushered through an alternate entrance, so that the expulsion, "for security purposes, would not attract public attention,"[121] according to Dr Luigi Lusi, the City of Rome's Advisor for Nomad Affairs. The thirty-six Romani inhabitants of Tor de' Cenci were then put together with twenty Roma from Casilino 700. In the end, fifty-six people were loaded onto an aircraft leased by the Ministry of the Interior, accompanied

[120] Press release from the Mayor of Rome, March 6, 2000.

[121] Dr Luigi Lusi, interviewed by *European Roma Rights Center* local monitor Kathryn D. Carlisle, March 8, 2000, Rome.

by an approximately equal number of military police. The plane departed from Rome for Sarajevo, Bosnia, at 2:55 PM.

According to the Italian non-governmental organisation *ARCI*, 19-year-old Ms Behara Omerović was deported to Bosnia despite being in the fifth month of pregnancy. She was deported with her daughter Maddalena Hrustić who was born in Rome in February 1999. Sixteen-year-old Sanela Sejdović was sent to Bosnia with her infant daughter Shelley Hrustić, born in mid-February 2000. One Romani boy, 15-year-old Mirsad P., was separated from his mother when police refused to believe that the woman with whom he was detained was not his mother. Authorities expelled Mirsad to Bosnia in his pajamas. His mother, Devleta O., was still in Italy as of May 23, 2000.[122]

Police and municipal officials refused to provide the *ERRC* with any information on either the raids, the detentions, or the group deportations. During the week following the raids, police returned frequently to the camp at Via Carucci. On March 4 at approximately 1:30 PM, more Roma were detained, but subsequently released. No expulsion orders were issued, but many Roma from the camp said that they felt threatened by the police. "One policeman told me that if I didn't leave on my own, I would be sent away like the others," 24-year old Mr S.D. told the *ERRC*.

On March 7, 2000, the *ERRC* sent a letter to Italian Prime Minister Mr Massimo D'Alema to express concern at the group expulsions. In the letter, the *ERRC* urged Prime Minister D'Alema to provide the public with an explanation as to the legal grounds for the action and to condemn forthwith policies targeting Roma for group expulsion from Italy. The *ERRC* further urged Prime Minister D'Alema to initiate thorough investigation into allegations that officers used excessive force while detaining individuals for expulsion and destroyed property belonging to Roma, and to punish strictly officers guilty of abuse. As of July 20, 2000, the *ERRC* had received no response to its March 7 letter, nor were there any indications that Italian authorities were acting on *ERRC* recommendations.

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[122] Any act by a public authority aimed at separating those who have a family life together amounts to an interference with the rights secured under Article 8 of the European Convention of Human Rights. See especially European Commission on Human Rights, unpublished report on *Cyprus v. Turkey*, Vol. 1, p.163, para. 211.

Intense anti-Romani sentiment in Italy, widespread in popular attitudes, propagated by the Italian media and fomented by Italian politicians, is now finding expression in human rights violations targeting the Romani community. Italian authorities now appear to be in the process of attempting to remedy the appalling human rights situation of Roma in Italy by expelling them from the country.

Police raiding the Romani camp on Muratella street in Rome, Italy, May 2000.
PHOTO: STEFANO MONTESI

Destruction of Romani dwellings, Casilino 700 camp, Rome, Italy, September 1999.

PHOTO: STEFANO MONTESI

The Borgosatollo camp in Brescia, January 29, 1999.

PHOTO: *ERRC*

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Romani couple in the Germagnano street camp just outside Torino, northern Italy, November 23, 1998. The man in background is a police officer. On the day of the *ERRC* visit, officers came and compiled lists of local Roma, including photographs and fingerprints.

PHOTO: *ERRC*

The remains of the home of Mr R.P. in Milan, one day after Italian authorities destroyed it with bulldozers on January 26, 1999.

PHOTO: CLAUDIA FREGOLI

Mr Vejsil Ahmetović and his sister Sabaha Ahmetović among other Roma applying for residence permits in Torino, Italy, January 1999. At the time the photograph was taken, Mr Ahmetović had been without a residence permit since 1992. He was born in Torino.

PHOTO: *ERRC*

A broken water pipe in Casilino 900 camp, February 24, 1998.

PHOTO: ERRC

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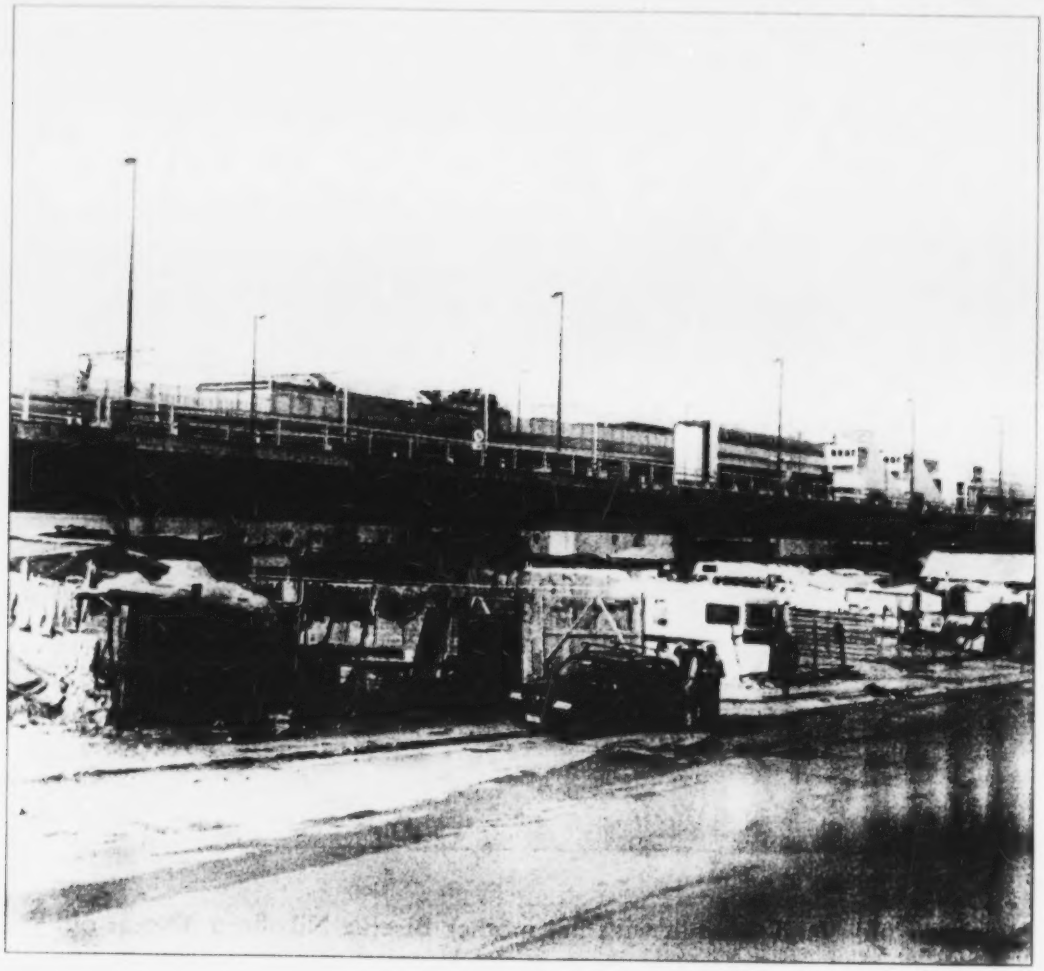
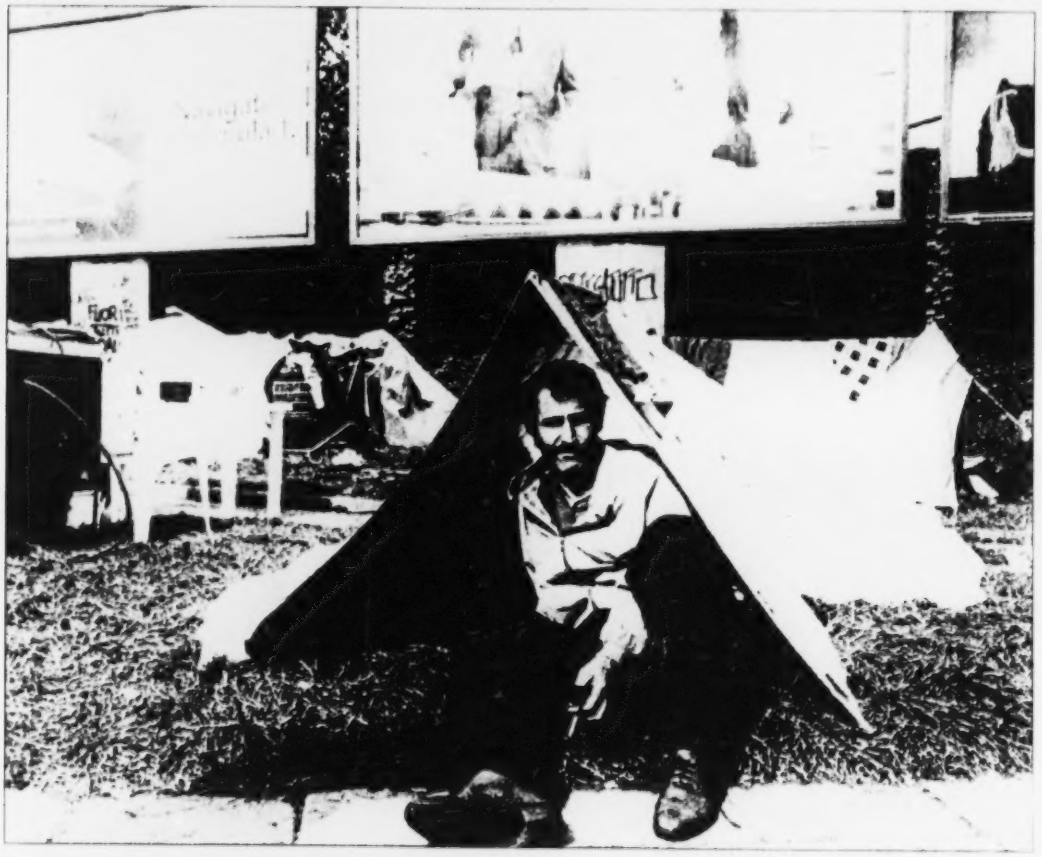


Unauthorised camp in Naples, Italy, April 1, 1998.

PHOTO: *ERRC*

Nine-year-old Natali Marolli with her mother Biserka Nikolić, a 37-year-old Romani woman from Yugoslavia, in Meyer Hospital, Florence, January 17, 1999. Police shot at the car in which both were passengers on May 22, 1998. Natali lost one eye and has been in a so-called "waking coma" ever since.

PHOTO: *ERRC*



Mr Lucan Dimitru, 44, from Bals, Craiova County, Romania, staying on a streetcorner in Milan, April 17, 1999.

PHOTO: *ERRC*

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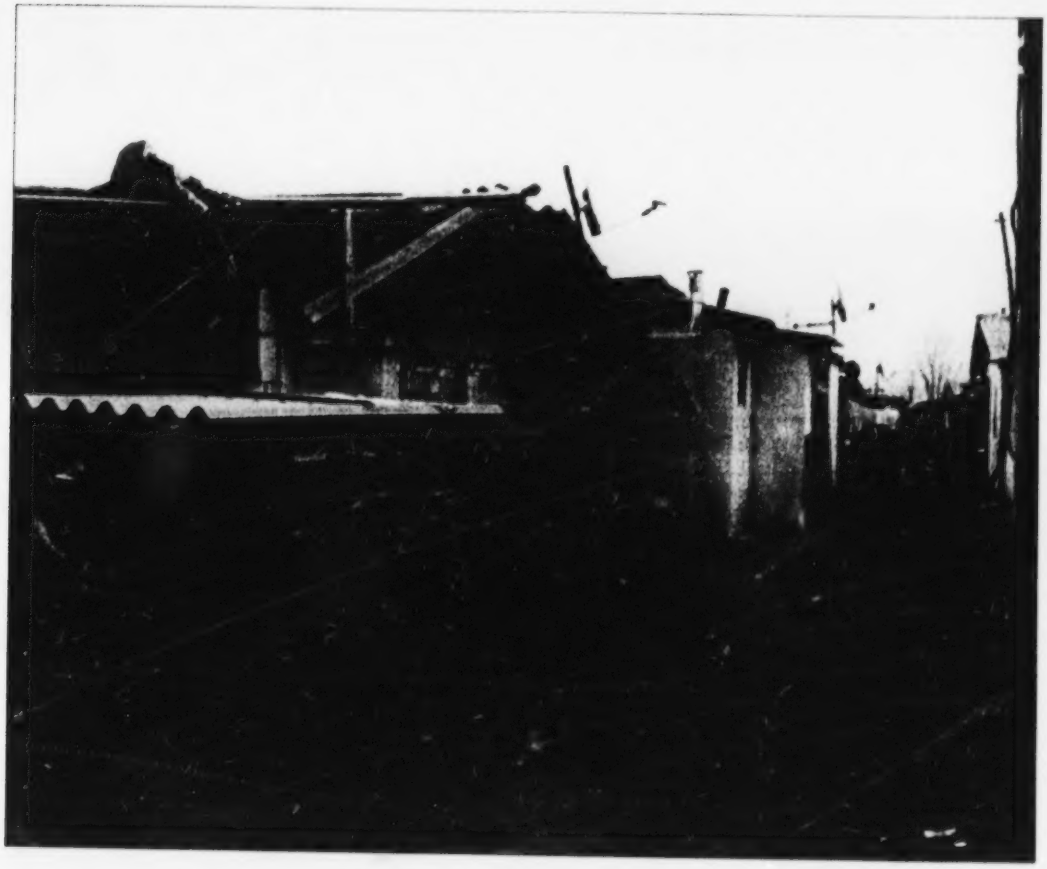
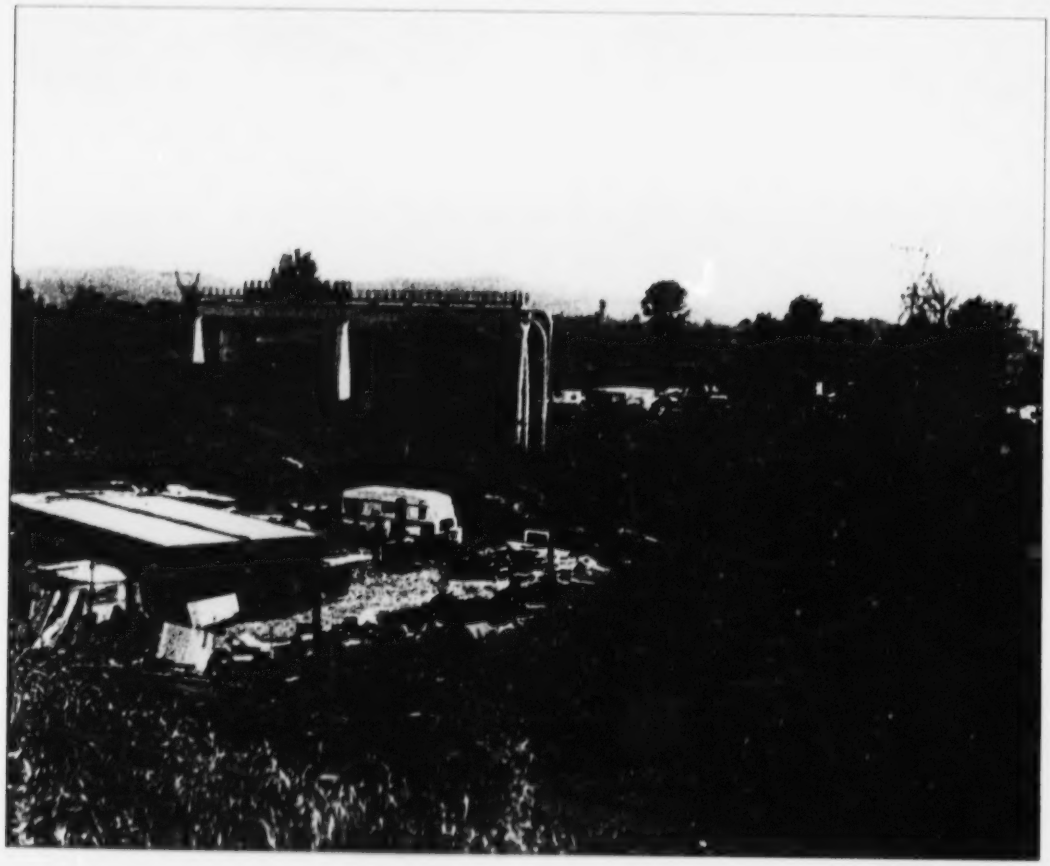


The Borgosattolo camp in Brescia, January 1999: housing built with no municipal assistance. There is no adequate sewer system in the camp.

PHOTO: *ERRC*

Pisa: January 1999: Mr Avdush Hamiti, a Romani man who fled Kosovo in October 1998.

PHOTO: *ERRC*



Camps outside Florence, May 1999.

PHOTO: *ERRC*

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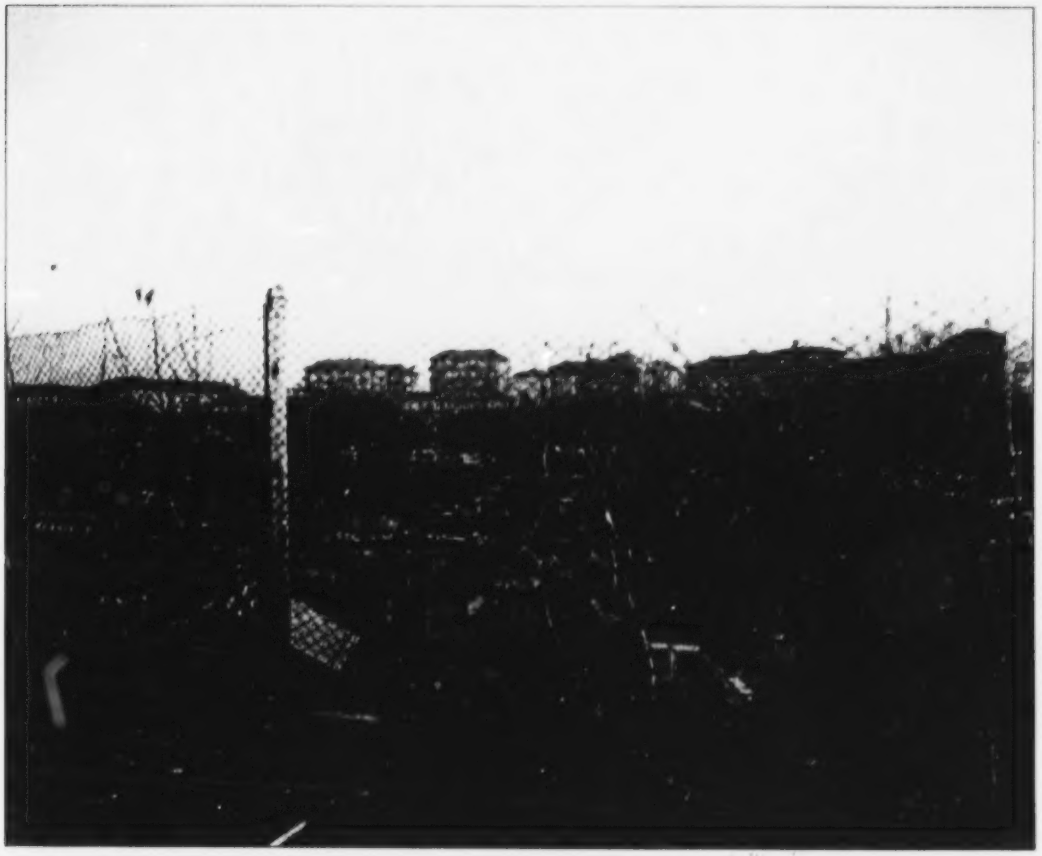

Casilino 900 camp, Rome. In the 1970s, Roma from ex-Yugoslavia lived here in shacks, together with poor immigrants from Calabria and Sicily. The latter received housing in the blocks of flats in the background, when the shacks were bulldozed by the authorities. The Roma, however, received nothing and built new shacks.

PHOTO: *ERRC*

Camp on the outskirts of Florence, May 1999.

PHOTO: *ERRC*

Milan, April 1999: Roma sleeping on the street after having been expelled by municipal authorities from houses in the Via Castiglia.

PHOTO: *ERRC*

4. VIOLENCE AGAINST ROMA BY NON-STATE ACTORS

Instances of crimes and brutal and degrading treatment of Roma by non-state actors – including episodes of community violence – have been documented in Italy. Often, when Roma are victims of rights abuse by non-state actors, the violations remain without judicial remedy.[123]

The Italian and international press reported on June 21, 1999, that an anti-Romani pogrom had broken out in the town of Scampía, on the northern periphery of Naples, an area comprising Italian housing projects and six Romani camps. According to reports, on Friday evening, June 18, 1999, a Romani man on a visit from the northern town of Verona ran into two local girls on a motor scooter with his car, seriously injuring both of them. He was reportedly drunk and speeding. After the incident, he fled the scene and had not been located as of June 24, 1999. The following morning, locals whom articles in the Italian press and television described as young men with shaved

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[123] The European Court of Human Rights has held that Article 3 of the Convention, read in conjunction with Article 1, requires States not merely to refrain from torture or inhuman or degrading treatment or punishment, but also to "secure" this right by providing protection against ill-treatment by private persons. In *Costello-Roberts v. United Kingdom* the court held "that the responsibility of a State is engaged if a violation of one of the rights and freedoms defined in the Convention is the result of non-observance by that State of its obligation under Article 1 to secure those rights and freedoms in its domestic law to everyone within its jurisdiction" *(Costello-Roberts v. United Kingdom*, 19 EHRR 112 (1993), para. 26; see also, mutatis mutandis, the *Young, James and Webster v. the United Kingdom* Judgement of 13 August 1981, Series A no. 44, p. 20, para. 49 and *A v. United Kingdom*, Judgment of 23 September 1998, para. 22). Similarly, the United Nations Human Rights Committee has referred to a number of private actions threatening human rights and the State's duty to deter such activity. In its General Comment of 1992, it clarified that the scope of protection to be undertaken by the State extends to cover torture, or other cruel, inhuman, or degrading treatment or punishment committed by people acting in their "private capacity" (HRC, General Comment 20, Article 7, Forty-fourth Session, 1992, para 2). The General Comment reads in part: "It is the duty of the State party to afford everyone protection through legislative and other measures as may be necessary against acts prohibited by Article 7 [i.e. torture, inhuman or degrading treatment], whether inflicted by people acting in their official capacity, outside their official capacity or in a private capacity" (Ibid., para 2). The Committee also declares that States should indicate the provisions of their criminal law which prohibit and specify the penalties applicable "whether committed by public officials or other persons acting on behalf of the State, or by private persons" (Ibid., para. 13). The references to private capacity and private persons thus leaves no doubt that Article 7 of the Covenant covers non-state actors.

heads and earrings, tattooed and riding scooters, armed with wooden clubs, guns and gasoline, entered one of the six Romani camps and told the inhabitants to "leave or be burnt with the camp". They then set fire to the camp. The fires drove out all of the approximately one thousand inhabitants, who fled under a shower of applause from the neighbours on the surrounding balconies. The victims say police did not intervene to prevent the pogrom despite several calls to the emergency services. Approximately one thousand Roma escaped south to the town of Salerno, as well as north to the region of Lazio. The next morning, two hundred Roma returned and as of June 20 were under police protection. Locals continued to throw firebombs into the smouldering barracks throughout the day and evening of June 20, despite police presence. At first it was thought that the attack was a settling of scores between local mafia and criminals among the Roma, but investigators have now excluded the involvement of organised crime. The father of one of the victims of the original incident was questioned by police after he told journalists that he and his neighbours had decided to take the law into their own hands. Two ethnic Italians and three Roma were arrested for looting following the fire.[124] According to information provided to the *ERRC* by local police on July 19, 2000, in connection with the massive episode of vigilante justice, arson and looting, an investigation was closed shortly after it was opened in June 1999, with no charges being brought against any persons.

Abuse of Roma by civilians also takes place on an individual basis. Mr K.L. (22), a Romani man from Romania, provided the *ERRC* with the following account of human rights abuse which he had suffered on an unspecified date in the recent past: he often went to beg inside or in front of a supermarket and he also provided the service of helping shoppers load groceries into cars for a tip or else returned the cart for the coin inside the security lock. He had talked to the head of the supermarket, who had "nothing against" him begging there and had even given him some money himself. Some time thereafter, however, a new guard was hired and he warned Mr K.L. to go away. Mr K.L. was subsequently begging with his younger brother T.L. when the new guard came out of the supermarket, grabbed T.L. and slapped him several times in the face. He then took hold of Mr K.L. and beat him, threatened him with a knife and then cut him deeply on the hand and finger. The guard then held the knife to his face and threatened to cut his cheeks even more. However, the attention of shoppers inhibited the guard and he went away, having inflicted only a superficial wound on Mr K.L.'s cheek and neck.

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[124] See "Snapshots from around Europe", *Roma Rights* 2/1999, at: **http://errc.org/rr_nr2_1999/snap03.shtml**

Mr K.L. proceeded directly to a hospital, where he was treated. He received six stitches and was advised by the physician not to use his hand at least for a week. Mr K.L. told the doctor the details of the incident. Upon his request, the doctor called the police for him and explained what had happened. The doctor also furnished Mr K.L. with a medical certificate documenting his wounds and the treatment he had received.

The police arrived and took Mr K.L. to the police station. He entered the police station at around 7 PM. He told the ERRC that police treated him as if he were being arrested: the police photographed him, took away his shoe-laces and, without any explanation, left him in a locked room without food, water or medicine for the entire night. During the night he suffered pains from his newly stitched hand, but although he called for assistance, no one came. At around 8 AM the next day, he was given an order for his expulsion from Italy and told that he was free to go, but that he should leave the country within the period of time mentioned in the document. Officers reportedly refused to register his complaint.[125]

Ms L.J., a Romani woman from former Yugoslavia, reported to the *ERRC* another instance of unremedied violence. She stated that she and another young Romani girl, a relative of hers, entered a flat in Naples the night of November 1, 1997, with the intent to steal, and were caught by the owner's son. She was sixteen-years-old at the time. The man, around 25 years old, called friends on the telephone. Then a woman who was evidently his mother called the police. Meanwhile, the son started beating the two girls. His mother tried to stop him, but could not. The second Romani girl told the son that she was pregnant, but he slapped her anyway. He beat Ms L.J. with his open hands and fists and pulled her by the hair. She fell down, imploring, but he went on beating her. Then she kissed his hand and he stopped the beating. The "friends" came, but the police arrived at virtually the same moment. The Romani girls were arrested by the police and taken away. Neither of the two girls pressed charges against the man who beat them.[126]

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[125] Case summary based on *European Roma Rights Center* interview with Mr K.L., January 27, 1999, Milan.

[126] Case summary based on *European Roma Rights Center* interview with Ms L.J., January 24, 1999, Palermo.

In Milan, the *ERRC* team was also shown parts of discarded or burnt furniture in the vicinity of the destroyed Via Castillia squatted house. There had been a bigger Roma camp there, approximately six months previously. The Roma had repeatedly received threats from non-Roma in the neighbourhood that they should go away. Then one night in December 1998, two of the caravans caught fire and burned; the Roma suspected they had been set on fire purposefully. Mr. F.Z. of the Anti-Racist Association (*Associazione Antirazzista)* was also there at that time of the *ERRC* visit. He called the hostile attitude to Roma in the neighbourhood "popular racism".[127]

According to the government's own count, the number of "incidents of racial intolerance" increased from 51 in 1996 to 85 in 1997.[128] The *ERRC* regards the government's figures as a drastic underestimate of the true number of racially motivated crimes taking place in Italy yearly. Official figures on racially motivated crime are especially doubtful in light of the tendency by government officials to deny that racially motivated crimes take place in Italy or equivocate as to the existence of racially motivated attacks.[129]

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[127] *European Roma Rights Center* interview with Mr F.Z., January 27, 1999, Milan.

[128] United Nations Human Rights Committee, "Summary Record of the 1679th meeting: Italy", CCPR/C/SR.1679, 28 July, 1998, para. 27. During the first two months of 1998, the Italian delegation said that eight such incidents had been reported.

[129] In its last appearance before the Committee on the Elimination of Racial Discrimination, members of the Italian delegation stated: "Italian society did not breed sentiments of a racist nature. [...] Incidents that could be classified as incidents of "racism" normally fell into different categories. [...] The fact of attacking or beating non-Europeans usually had little to do with racial discrimination. In most cases, the behaviour originated in a compelling urge to give reign to the most violent instincts." (United Nations Committee on the Elimination of Racial Discrimination, Summary record of the 1075th meeting: Italy", CERD/C/SR.1075, 6 March, 1995, para. 18). More recently, on May 3, 2000, the Italian delegation told the United Nations Committee on Economic, Social and Cultural Rights that there was "not so much a problem of discrimination against Roma people as a problem of intolerance. In some towns with a large Roma population, Roma people sometimes jumped the queue to obtain housing, which could cause resentment among the local population." (See "Summary Record of the 6th Meeting: Italy (E/C.12/2000/SR.6), 3 May 2000").

5. DISCRIMINATORY TREATMENT OF ROMA IN THE PROVISION OF PUBLIC SERVICES

The International Convention on the Elimination of All Forms of Racial Discrimination, a Convention that binds Italy, prohibits discrimination in access to any place or service intended for use by the general public.[130] Nevertheless, the *ERRC* has documented numerous instances of discriminatory treatment of Roma in the provision of public services in Italy.

On June 2, 2000, staff at a cafe in the Via della Mercede in Rome refused to allow entry to *ERRC* volunteer Mariangela Prestipino. Ms Prestipino is dark-skinned. After a brief discussion, the staff member apologised, allowed Ms Prestipino to enter, and explained that he had thought she was a "Gypsy". In another case, Mrs V.H. (59) told the *ERRC* in January 1999 that three years previously, she had entered a café in the vicinity of the camp in Mestre and asked the waiter for a cup of coffee. He reportedly answered: "Gypsies are not allowed entry here."[131] Ms M.D. similarly told the *ERRC:* "Every time we enter a store, they usually recognize us as being Sinti. They lock the door and check the till. Then they look around the store checking the goods. If they decide that something is missing, they call the police. We are then searched. But we have been charged with theft even when nothing was found on us."[132] On December 26, 1997, the daily *Il Manifesto* reported that a bar in San Salvario, a district of Turin, pursued a policy of not serving foreigners. According to the article, no group is actually banned, as such a practice would be illegal. Rather, the bar staff is under orders not to serve foreigners.[133] Similarly, on March 29, 1998, another article in *Il Manifesto* reported that the owner

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[130] The International Convention on the Elimination of All Forms of Racial Discrimination, at Article 5, states: "In compliance with the fundamental obligations laid down in Article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: [...] (f) The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, theatres and parks."

[131] *European Roma Rights Center* interview with Mrs V.H., January 29, 1999, Mestre.

[132] *European Roma Rights Center* interview with Ms M.D., January 29, 1999, Mestre.

[133] The Institute of Race Relations, *European Race Audit*, Bulletin No. 26, February 1998, p.22.

of a pizza restaurant in Ventimiglia had attempted to charge a Romani customer extra for a pizza solely because of his ethnic origin.[134] Roma in Florence told the *ERRC* that they patronize only the few bars in the city where "no one bothers us about who we are."[135] The *ERRC* is aware of one Florence café which recently posted a sign at the entrance stating, "No Gypsies."[136] Another sign posted in the town of Cairate (close to the northern town of Varese) was printed by the city itself. It reportedly stated "Camping and loitering by 'nomads' is severely prohibited. Transgressors will be punished by law."[137]

[134] The Institute of Race Relations, *European Race Audit*, Bulletin No. 28, October 1998, p.25.

[135] *European Roma Rights Center* interviews, Florence, January 1999.

[136] *European Roma Rights Center* interviews, Florence, January 1999.

[137] See Dragutinović, *Op. cit.*

6. DENYING ROMA THE RIGHT TO EDUCATION IN ITALY

Memorandum No. 207 of July 16, 1986, of the Ministry of Public Education stipulates, "[a]ll those who reside in Italian territory have full access to the various types and levels of Italian schools, even if they are not Italian nationals; any hostility towards them, or reluctance constitutes a manifest breach of the civil and constitutional principles of the Italian state."[138] Several subsequent circulars by the Ministry reaffirm this principle. These legal measures notwithstanding, a dramatic number of Romani children in Italy are effectively precluded from access to education. Many Romani children who live in segregated housing effectively have no access to the Italian school system. Distances are often exacerbated by frequent evictions. During raids, police authorities often destroy the school supplies of Romani children. Many Roma are too poor to afford decent clothes, school supplies and the transportation necessary to ensure regular attendance by their children. As a result, many Romani children do not attend school at all, or drop out at an early age. At present, the Italian educational system is dramatically failing to meet its international commitments where Roma are concerned.[139]

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[138] Council of Europe, European Commission against Racism and Intolerance (ECRI), "Legal Measures to combat racism and intolerance in the member States of the Council of Europe" (1998), p.276.

[139] Article 26 of the Universal Declaration of Human Rights (1948), states: "Everyone has the right to education." The right to education is elaborated in a number of international laws and instruments, including the Convention of the Rights of the Child. Article 29(1) of the Convention states: "States Parties agree that the education of the child shall be directed to: (a) the development of the child's personality, talents and mental and physical abilities to the fullest of their potential; (b) the development of the respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations; (c) the development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own; (d) the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin; (e) the development of respect for the natural environment." The international community has repeatedly enshrined in law the principle that education, as a fundamental right, shall be free of discrimination. Article 5(e)(v) of the Convention on the Elimination of All Forms of Racial Discrimination (CERD), for example, states that "States Parties undertake to eliminate racial discrimination in all its forms and to guarantee the right to everyone, without distinction as to race, colour, or national or ethnic origin, with respect to the right to education and training." Article 2 of Protocol 1 to the European Convention of Human Rights states: "No person shall be denied the right to education. In the exercise of any functions

In numerous cases, Roma live in camps far away from schools. There is no school nearby or public transportation available, placing significant burdens on Romani parents. Additionally, repeated raids and destruction of dwellings and property of Roma by police significantly interfere with the ability of Romani children to realise the right to education. When the camp Tor de' Cenci was raided and dismantled on March 3, 2000, for example, the remaining inhabitants were transferred to a temporary, pre-fabricated camp, Via Salviati, organised by the City of Rome. The children were disturbed and agitated, and therefore missed that day of school. Many lost their school supplies as officials tore down their shacks with bulldozers. Two days following the raid, the Office of Immigration entered the Via Salviati camp and ordered inhabitants to move to the Casilino camp. Casilino is on the opposite side of Rome and it can take as long as two and a half hours to cross Rome in the morning. This raised the problem of how to get the children to the school in which they were enrolled. Also, it was more or less an open secret that following the raid, the Casilino camp was being used as a temporary base for those about to be deported. Many of the Via Salviati inhabitants with school-age children went into hiding elsewhere to avoid being expelled from Italy; as a result, their children were effectively pulled out of school.

In the industrial zone of Eboli-Battipaglia, the *ERRC* visited an unauthorised camp on January 23, 1999, that had been destroyed the previous day. The *ERRC* was shown around the camp by 34-year-old Mr I.B. and his wife, who was nursing a small baby. They have nine children, aged from fourteen years to eleven months. Since 1990, when they arrived in Italy, they have not received residence permits; the last time they applied was a month and a half before the *ERRC* visit. They had been living in unauthorised camps. Authorities have repeatedly evicted them from sites on which they were living, forcing them to find other places to live. However, their four children of school age have attended school continuously since their arrival. Their parents have walked or driven them to and from school every day. During the raid the previous day, they had not been allowed time to gather all their possessions. Several schoolchildren's textbooks were scattered on the ground, trampled by the officials who had destroyed the camp. The parents told the *ERRC* that on the morning after the raid in which police authorities had again destroyed their dwellings and possessions, they had driven their four children to school in their old van, and that they would pick them in the afternoon. They did not keep their children home from school, although the whole routine of their life had been disrupted.

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which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions." Italy ratified Protocol 1 on October 26, 1955.

Many of the Roma interviewed by the *ERRC* stated that the single largest obstacle to the education of their children is lack of money. Many Romani families report that they are ashamed to send their children to Italian schools dressed shabbily. For example, Mrs M.V. (39), a Romani woman born in the former Yugoslavia who had come to Italy with her husband's family from Romania, told the *ERRC* that she did not send her children to school because she did not have the means to buy them decent clothes.[140] School supplies and transportation pose additional financial burdens often difficult to surmount or insurmountable for poor Romani families in Italy.

Nevertheless, Italian programs aimed at Romani education have not been designed to overcome the significant financial burdens placed on Romani families, nor to aim at their integration into the mainstream of the Italian school system. In 1966, the Ministry of Public Education and the organisation *Opera Nomadi* established a program called "Lacio Drom" to offer special classes for Romani children. Originally 365 Romani children were accepted in the program in the city of Verona.[141] During the approximately fifteen years of the program's existence in that city, the location of the classes was changed four times, but always remained on the periphery of the city. The teachers complained of disorder and neglect on the part of the public administration. One teacher reportedly wrote in her notes, "The room is never properly cleaned by the custodians: the windows are grimy, floors dusty, desks unwiped." The overriding idea of the program was evidently to keep Romani children out of Italian schools and to "civilise" them. Another teacher wrote, "A school for Gypsies cannot offer normal programs, but must be adapted to the level and intellectual capabilities which are primitive and uncivilised." Another teacher complained that she was "tired of pretending that Gypsies could be civilised... especially when they haven't received the word of God [Christianity]."[142] In 1976, a new agreement between the Ministry and *Opera Nomadi* turned the "Lacio Drom" classes into remedial classes and set up sixty primary school classes for Roma.[143]

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[140] *European Roma Rights Center* interview with Mrs M.V., January 18, 1999, Florence.

[141] Of the 365 students, 62% were enrolled for only one year, 21.6% for two years, 9% for three years, 4.4% for four years and 2.1% for five. See Piasere, *Popoli, Op. cit.*, p. 204.

[142] *Ibid.*, p.206.

[143] See *Save the Children*, "Denied a Future? The Right to Education of Roma, Gypsy and Traveller Children", First Draft, March 2000, p.103.

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The program effectively ended in 1982 when a new agreement between the Ministry and *Opera Nomadi* provided that Romani children of school age should be educated in mainstream classes. The agreement also stipulated that an additional teacher should be allocated to provide assistance for each six Romani pupils and act as go-between for school and family.[144]

More recently, authorities have attempted to transfer responsibility for the education of Romani children onto non-governmental organisations (NGOs), with little better success. Authorities in Pisa, for example, recently commissioned a local organisation to provide lessons in Italian for children in the authorised Coltano camp in Via Hidrovola. Children attending the NGO classes would not be taught by professionally certified teachers and would not receive official grades. They would not qualify for secondary school through the program. Prior to initiating the classes, in early 1999, the NGO approached the parents in the camp and asked them to fill out detailed questionnaires about their family and children. The parents, most of whom did not have valid residence permits, were afraid that their answering the questionnaire might be used against them by the police, making it more difficult to obtain a residence permit. They therefore equivocated, and the project stalled. The NGO in question further antagonised the Roma of the Coltano camp by announcing their intention to use a Muslim prayer room in the settlement for the classes. The Roma refused, on grounds that they had the permission of the local authorities to use the room for religious services. Local authorities, however, reportedly sided with the NGO, withdrew their permission, and ordered the Roma to give the room over. On January 18, 1999, the *ERRC* was conducting interviews in the Coltano camp when representatives of the NGO arrived in a car, escorted by two uniformed and armed policemen in another car. The NGO representatives had come to collect the filled-out questionnaires and to take possession of the disputed room. As expected, there were practically no questionnaires ready, and local spiritual leader Mr I.D. informed representatives of the NGO that the community would not turn over the prayer room. A heated argument ensued, which lasted about two hours. The argument was closely monitored by police, but officers did not intervene. Finally the NGO people left with the ultimatum that the room should be turned over to them on the next day. They did not specify what would happen if this did not occur. The *ERRC* learned that, one week later,

[144] *Ibid.*, p.103.

the Roma were compelled to give up the prayer room. In the circumstances, the success of the training course is to be strongly doubted.

Romani children who attend normal schools face difficulties ranging from prejudice on the part of non-Romani parents who do not want their children attending school with "Gypsies," to bullying by non-Romani classmates, to stereotyping by teachers and school administrators who perpetuate myths of "genetically" lower intelligence levels among Romani children.[145] Schoolteachers have stated to *ERRC* representatives that Romani children disturb lessons with "their odour" and that parents do not want their children to associate with "the same people they should learn to fear."[146] Between 1962 and 1986, in the province of Verona there were 136 expulsions of Romani children from schools – 92 of which were reportedly for "hygienic" reasons.[147] One representative of the Florence municipality told the *ERRC* in January 1999 that children from six Romani families who moved to a new school in Florence in September 1998 had been confronted by angry protests from non-Romani parents who threatened to withdraw their children rather than have them share the same benches with Roma. Rather than affirming the rights of Roma to equal education, the school administration reportedly dispersed the Romani children among several different schools to assuage non-Romani prejudice.

A serious impediment to the child's right to an education in Italy is the camp system itself. Camps effectively preclude the important education that takes place

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[145] In its Concluding observations concerning Italy, the United Nations Committee on the Rights of the Child expressed concern "that sufficient measures had not been taken to assess and provide for the needs of children from vulnerable and disadvantaged groups, such as [...] children of foreign and Roma origin." Among its suggestions and recommendations, the Committee stated that "[f]urther measures should [...] be taken to prevent a rise in discriminatory attitudes and prejudices towards particularly vulnerable children such as [...] Roma children and foreign children. The Government should consider adopting a more active stand and coherent policy with respect to the treatment of these children and to create an environment favourable to their fullest integration into Italian society." (United Nations Committee on the Rights of the Child, "Concluding observations of the Committee on the Rights of the Child: Italy", CRC/C/15/Add.41, 27 November, 1995, paras. 11 and 17).

[146] *European Roma Rights Center* interview with Simona Mattera, ex-elementary school teacher in the City of Rome public school district, March 23, 2000.

[147] Piasere, *Popoli*, *Op. cit.*, pp.186-187.

outside the framework of school; Romani children are rarely if ever invited to non-Romani children's homes and non-Romani parents do not allow their children to visit Romani friends in camps. As a result, both Romani children and non-Romani children are denied important lessons. The burden falls, however, mainly on Romani children; for those Romani families which arrived in Italy thirty years ago and remain confined to camps, a third generation is now growing up with effectively severed ties to the wider surroundings.

The Italian educational system fails to guarantee equal access to education for Roma. Roma suffer abuse, segregation and discrimination in Italian schools. Authorities have recently made statements linking education to criminality, promoting the idea that if Romani children are in school, they will not be out stealing or pick-pocketing.[148] As long as authorities proceed from racist prejudice about Roma while designing policy, there is little hope that Roma in Italy will be able to enjoy the right to education.

[148] Recent proposals by Rome City Council Member Mr Amadeo Piva and City Advisor for Nomad Affairs Dr Luigi Lusi envision that more hard tactics are what is needed to bring Roma into the school system. Dr Lusi told Ms Kate Carlisle, local monitor for the *ERRC*: "Parents will have to sign a form promising to send their children to school. If the children are found truant, then the Gypsies will be sent away." (See Dr Luigi Lusi, interviewed by *European Roma Rights Center* local monitor Kate Carlisle, March 8, 2000, Rome).

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7. THE RIGHT TO EMPLOYMENT

There is a high rate of unemployment among Roma in Italy and the *ERRC* encountered few Roma with regular work paying a dignified wage.[149] A few formal employment opportunities are available in the camp system. Some Roma are engaged in traditional crafts. Others perform seasonal agricultural or fishing work. Some engage in very rudimentary entrepreneurial work. Others beg. Many are simply idle.

Some Roma produce traditional crafts for sale. The *ERRC* witnessed a copper bracelet being made by a Romani smith on the morning after their camp had been destroyed by the police and they had slept in their cars in front of a dilapidated house at the outskirts of Eboli-Battipaglia. He worked in the open. The *ERRC* was also shown copper bowls and large copper vases made by the family of Mr E.B.[150] The family told the *ERRC* that they would try to sell them in Salerno or Naples. The family of N.S. in Campo Masini, Florence, specialised in the production of small items made of leather. The family of Mr L.J. in the Favorita camp, Palermo, specialised in reeds. They made baskets and other items for sale. The *ERRC* was

[149] The Universal Declaration of Human Rights, at Article 23, provides for the right for all to work. Article 7 of the International Covenant on Economic, Social and Cultural Rights states that everyone has the right to work, including to "[...] just and favourable conditions of work [...]". Paragraph 2 of Article 23 of the Universal Declaration states: "Everyone, without any discrimination, has the right to equal pay for equal work." Article 23(3) states: "Everyone has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection." The International Covenant on Economic, Social and Cultural Rights (CESCR) elaborates these fundamental rights. At Article 6, the CESCR states: "The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual." Article 2(2) of the CESCR provides: "The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

[150] *European Roma Rights Center* interview with Mr E.B., January 23, 1999, Eboli-Battipaglia.

told by a group of Italian Roma at the illegal housing site in Crotone that they used to practice metalwork, but the business was no longer viable, so now their major occupations were seasonal agricultural work and fishing.[151] The same pattern of employment change had reportedly taken place among Roma in the authorised housing site of Roppoli in Cosenza. Some itinerant Roma with whom the *ERRC* spoke were self-employed as horse-traders.[152] A family in the Via San Donnino camp, Florence, told the *ERRC* that they sold flowers in markets in Florence.

Other Roma try to find an employment niche arising from living in the camp. In the Casilino 700 camp, at the time of the *ERRC* visit in January 1999, Mr M.D. was engaged in making a small stove out of metal scraps and pieces scattered in front of his cabin. His son, around twelve years old, was helping him, while his wife and some smaller children watched. Mr M.D. told the *ERRC* that he had nine children altogether and had been in Italy since 1991 and in this camp since 1993. The *ERRC* saw stoves similar to the one he was building in many camp cabins all over Italy; it was a low-standing contraption with one short pipe, burning wood or coal and used both for heating and cooking. The craftsman told the *ERRC* that it took him five or six days to make one stove; they would sell for about 100,000 lira (around 50 euros). He told the *ERRC* that he did not work at this job regularly, for both the metal materials and clients for such stoves are hard to find. In several camps, the *ERRC* observed shacks used as improvised cafés and grocery stores.

Another camp-created employment opportunity is repairing cars and trailers; such was the employment of, for example, 28-year-old Mr Z.M. in the authorised Zelarino camp, Mestre. Residents of the camp were also evidently employed in repairing and improving their shelters, despite the fact that they could have no guarantee that the police might not destroy them at any moment. The *ERRC* interviewed 39-year-old Mr M.M., who was engaged in building a shack in the above-mentioned authorised Zelarino camp at Mestre.[153] He had decided to build a shack because his trailer had burned in an accidental fire the previous week. Mr M.M. was helped by his brother, who lived in the Secondigliano camp in

[151] *European Roma Rights Center* interviews, January 25, 1999, Crotone.

[152] *European Roma Rights Center* interviews, January 23, 1999, Cosenza.

[153] *European Roma Rights Center* interview with Mr M.M., January 29, 1999, Mestre.

Naples and had travelled to Mestre expressly to help with the construction. His ten-year-old son also helped him. Besides some old boards and pieces of plywood, they were using some new planks and nails that they said they had bought from a store in Mestre. Mr M.M. explained that by trade he was a builder of brick stoves and fireplaces. He stated that if he managed to get a job building a fireplace he would likely be paid adequately, but that such jobs were very rare, so he was improving his shack now. Meanwhile, his wife would go out begging regularly to provide food.

The administration of camps also provides some job opportunities. Authorised camps in Italy all have a gatekeeper, which is a regular position paid for by the municipality. This person checks people entering and leaving the camp and has the authority to deny entrance or exit. In a number of camps visited by the *ERRC*, the gatekeeper was Romani, and often a resident of the camp. In the camp of Olmatello, Florence, besides the Romani gatekeeper, there were around a dozen Roma employed as cleaners. There were around 350 persons living in the camp at the time of the *ERRC* visit. For the rest of the Roma there did not seem to be any job opportunities at all.

8. CONCLUSION: RACIAL DISCRIMINATION

The physical separation of Roma from non-Roma in Italy is so drastic that in many ways it overshadows all other issues. Many of the other human rights issues which Roma in Italy face would be of completely different proportions if Roma were not ghettoised into authorised camps or fully excluded from any decent living arrangement whatsoever. Abuses in the course of systematic raids would be inconceivable without the vulnerability resulting from the exposure of camp life. Discussion of the right to education for Roma in Italy would be very different if Romani children were not hindered from school attendance by physical separation from the Italian school system. The extreme nature of the segregation of Roma in Italy, however, has perhaps obscured from view issues facing Roma whose alienation in Italy is not enforced with a fence and a gatekeeper. Absent the dramatic trappings of segregation, the heart of the issue – racism and discrimination on ethnic grounds – comes clearly into view.

The housing estate next to Via Timarone Rosso in Roppoli in the Cosenza region appears, superficially, integrated. The eight blocks of flats were inhabited by twenty Romani families (about 150 persons altogether) and fifty non-Romani families at the time of the *ERRC* visit in January 1999. The project was started twenty years ago; the last block of flats was built around ten years ago. The Roma told the *ERRC* that they had been itinerant before settling there. Forty-year-old Mr A.M., said that he was fourteen when his family came to that region and twenty when the family settled down and were given a flat.[154] Mr A.M. and his mother, 72-year-old Mrs A.D., told the *ERRC* that their traditional occupation before settling was horse-trading. When they settled, they became seasonal agricultural workers, helping to harvest olives and tomatoes. Mr A.M. said that he also did some fishing. Nevertheless, they stated that finding work was often difficult. The flat the *ERRC* visited consisted of four rooms in which an extended family of seven live; the flat was well-furnished and hygienic, with all necessities. The family paid monthly rent to the municipality, which owns the flat. The older Roma speak Romani and Italian; the younger Roma who have grown up on the estate do not speak Romani, only Italian. Despite their "integrated" setting,

[154] *European Roma Rights Center* interview with Mr A.M., January 23, 1999, Roppoli, Cosenza.

however, Roma in Roppoli reported that police regularly target them for inquiry when there has been a theft in the area. Mr R.P. told the *ERRC:* "Somebody steals something and the blame is always on us."[155] Additionally, the Roma of the Roppoli housing estate feel estranged from all their non-Romani neighbours; even where non-Roma live in the same block of flats, there do not seem to be relations across the ethnic line.

The only housing project for immigrant Roma visited by the *ERRC* was in Florence. The estate occupies a space of approximately two thousand square metres at the margin of an area occupied by blocks of flats. There are four rather handsome one-story houses. A young Romani woman told the *ERRC* that they have water and electricity; all the children go to school and speak Italian. Everything in sight produces the impression of a successful, albeit very small project. Around three hundred Romani families live in nearby camps. The housing estate was given exclusively to members of the extended family and relatives of the informal Romani leader of the camp, who is also the owner of a small coffee and food shop in the camp itself. Unable – or unwilling – to provide all Roma with adequate housing free from racial segregation, authorities in Florence bought their leaders with houses. Roma living in the Florence camps complained to the *ERRC* that authorities use the promise of providing houses outside the camp manipulatively, to reward "good behaviour". By this they mean not only that individuals should stay away from crime, but also that they should spy and report on other camp inhabitants.

In search of the Romani camp in Crotone, the *ERRC* asked directions from several persons who had made a bonfire on the sidewalk of a small dusty square. These people turned out to be Roma who lived in an unauthorised settlement just fifty meters from the nearby camp. However, they insisted that they were "Italians", and only the camp people were "Roma". They told the *ERRC* that they had lived in Italy for many generations; they were all Italian citizens. At the time of the *ERRC* visit, they lived in makeshift houses looking rather like large shacks; the walls were made of patches of brick, plywood, plastic, corrugated iron and other scrap. There was electricity in some of the houses, and water taps could be seen here and there. The Roma complained that they could get no assistance from the local municipality; frequently the water and electricity were

[155] *European Roma Rights Center* interview with Mr R.P., January 23, 1999, Roppoli, Cosenza.

cut off. They send their children to the local school. However, most of them drop out after a few years of schooling. The Roma in Crotone appeared to have little or no contact either with immigrant Roma living in the camp or with non-Roma. They seemed completely isolated.

Obviously aware of the stigma attached to the Roma/Gypsy identity, these local or "autocthonous" Italian Roma were adamant in stressing their difference from the immigrants, the camp Roma who lived fifty metres away. The *ERRC* team was advised not to go to the nomad Roma camp, because it was a very dangerous place, and also because there were cases of cholera there. As it turned out later the same evening, when the *ERRC* visited the "dangerous" camp, there was no cholera, but only a recent case of food poisoning, that had led to the death of one person. The "dangerous" inhabitants of this Crotone camp were Muslim Romani immigrants from Bosnia and Kosovo.

At the heart of Italy's treatment of Roma is racism – the entrenched conviction, often unconsciously held and acted upon in ignorance, that Roma are strange, biological others who do not belong in Italy and whose presence in the country is unfortunate. Roma are merely tolerated in Italy in the best of times, but today racism and xenophobia in Italy are at flood tide. Roma, weak and exposed, suffer daily human rights abuses. Italian authorities have acted ineffectively to counter these abuses, and have failed even to provide a rudimentary legal framework within which such abuses could be redressed.

On the one hand, legislation prohibiting racial discrimination *per se* appears to provide for inadequate remedies and has not been widely publicised. The European Commission against Racism and Intolerance has recently concluded that, "In Italy there is no general legislation to counter racial or ethnic discrimination."[156] Apart from 1993 amendments to the criminal code (which address the dissemination of racist speech and racially-motivated violence), Italian law affords "little ammunition against racial discrimination or other outward forms of intolerance."[157] Immigration legislation adopted in July 1998 appears to provide limited protection against racial

[156] Council of Europe, European Commission against Racism and Intolerance (ECRI), "Legal Measures to combat racism and intolerance in the member States of the Council of Europe" (1998), p. 261

[157] *Ibid.*, p.263.

discrimination.[158] However, the scope of the protection afforded therein is unclear and the remedies provided are inadequate.[159]

In July 1999, a bill being debated by the Italian Chamber of Deputies on the protection of linguistic minorities garnered enough support for passage only after reference to Roma – and therefore legal protection for Romani language and culture – had been deleted.[160] Similarly, after the Italian government[161] and others[162] had praised draft immigration legislation for granting legal non-citizens the right to vote in local elections, this provision was deleted from the law before it was finally adopted.[163]

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[158] Legislative Decree No. 286 ("Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero"), formerly Law No. 40 of 6 March, 1998. See Arts. 43 and 44.

[159] The law does not authorise the imposition of criminal penalties in the event of a finding of unlawful discrimination.

[160] While Article 1 of "Progetto di legge" No. 169, the initial proposal, submitted by Deputies Corleone, Boato and Ruffino, made explicit reference to the linguistic and cultural rights of the Romani minority, the version voted on by the Chamber on June 17, 1998, and transmitted to the Senate on June 18, 1998 ("Disegno di Legge" No. 3366), deleted any reference to Roma. The law in its adopted form states, at Article 2, "[...] the Republic protects the language and culture of Albanians, Catalans, Germans, Greeks, Slovenes and Croatians, and of those who speak French, Franco-Provincial, Friulian, Occitanian and Sardinian." There is currently no law in Italy which expressly protects the linguistic and cultural rights of the Roma minority. As of August 1, 2000, Italy had not ratified the Council of Europe's European Charter for Regional or Minority Languages.

[161] See United Nations Committee on the Elimination of Racial Discrimination, "Reports submitted by States Parties under Article 9 of the Convention, Eleventh periodic reports of States parties due in 1997, Addendum, Italy", CERD/C/317/Add. 1, 20 July, 1998, para. 26.

[162] See Council of Europe, European Commission against Racism and Intolerance (ECRI), "ECRI's country-by-country approach: Volume III" (15 June, 1998), p.33.

[163] Legislative Decree No. 286 ("Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero"), formerly Law No. 40 of 6 March, 1998. Some who successfully sought to delete from the bill voting rights for legal non-citizens suggested that such a provision would contravene the Italian Constitution, which grants the right to vote to Italian citizens only. See Constitution, Article 48(1) ("All private citizens, male or female, who are of age, are entitled to vote"). However, this did not prevent Parliament from including in the final version of the adopted legislation a grant of voting rights to non-Italian EU citizens.

On the other hand, the Italian government has not acted to ensure that what legislation does exist is effectively implemented in practice. The ambiguity and resulting inadequacy of Italy's legislative norms on racial discrimination are compounded by the failure to ensure their effective implementation.[164] Thus, notwithstanding the general constitutional provision on equality (Article 3), "there is no case-law on the subject of racism."[165] Furthermore, there appears to be no case law concerning the few legislative prohibitions against non-violent acts of discrimination which do exist.[166]

The Italian government has yet to provide information to counter the widespread impression that most anti-discrimination norms in Italy are unused and unknown. Government officials, representatives of non-governmental monitoring organisations and members of the bar with whom the *ERRC* has spoken expressed near-universal uncertainty about the provisions of the laws, the scope of their applicability, and the frequency with which they are in practice applied to concrete cases of discrimination. In short, there is little indication that the government has undertaken any substantial public education effort to ensure that these laws do not remain unimplemented.

As to 1993 criminal law modifications which apply to racially motivated violence and hate speech, at the March 1995 session of the Committee on the Elimination of Racial Discrimination, when the Italian government's eighth and ninth periodic reports were considered, the Italian delegation claimed that, "[a]s a direct effect of the new legislation [to combat racism and discrimination], the number of acts of intolerance, discrimination and racial violence had drastically decreased." However, the government has been unable to provide any information concerning the frequency or effectiveness

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[164] The European Commission against Racism and Intolerance (ECRI) noted in its most recent report on Italy, that, "[d]espite [a] relatively well-developed legal framework, Italy seems to face some problems with implementation of legislation in force, and ECRI feels that it is precisely this aspect of implementation which should be examined." (ECRI, "ECRI's country-by-country approach", *Op. cit.*, p.34).

[165] ECRI, "Legal Measures" *Op. cit.*, p.263.

[166] See for example ECRI, "ECRI's country-by-country approach" *Op. cit.*, p. 34 ("there appears to be no case-law" concerning the anti-discrimination provisions of the labor law, Section 15(2) of Act No. 300 of 1970 ("Workers' Statute"))

of judicial remedies for racially-motivated violence, stating simply that "proceedings under the new legislation had not yet been concluded, with the result that final judgements were not yet available, although many decisions had been taken by the judiciary under the 1975 legislation."[167] Unfortunately, the Government report submitted to the United Nations Committee for the Elimination of Racial Discrimination three years later provides no further elaboration on this point. In short, intensive research as well as regular monitoring by the *ERRC* have failed to uncover evidence which might contradict the July 17, 1998, finding of the United Nations Human Rights Committee Chairperson (Ms Chanet) that, in Italy, "[...] little progress had been made in action to combat racism [...]."[168]

In its Concluding Observations concerning Italy of March 1999, the United Nations Committee on the Elimination of Racial Discrimination (CERD) condemned the treatment of Roma in Italy. In particular, the Committee expressed concern "at the situation of many Roma who, ineligible for public housing, live in camps outside major Italian cities," and stated that "in addition to a frequent lack of basic facilities, the housing of Roma in such camps leads not only to a physical segregation of the Roma community from Italian society, but a political, economic and cultural isolation as well." The CERD further lamented "the continuation of incidents of racial intolerance, including attacks against foreigners [...] and against Roma, [...] which are sometimes not recognised by the authorities as having a racial motivation or are not prosecuted"; "reports of acts of violence and bad treatment by police and prison guards against foreigners and members of minorities in detention"; and "the apparent lack of appropriate training for law enforcement officials and other public officials regarding the provisions of the Convention." The Committee also expressed concern that in the draft law on minorities presently pending in the Italian Senate, "Roma [are] not considered as a minority and thus would not benefit from the protection offered by [the] law."

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[167] United Nations Committee on the Elimination of Racial Discrimination, Summary record of the 1075th meeting: Italy", CERD/C/SR.1075, 6 March, 1995, para. 20.

[168] United Nations Human Rights Committee, "Summary record of the 1680th meeting: Italy", CCPR/C/SR.1680, 24 September, 1998, para. 70. In its Concluding Observations concerning Italy, the Human Rights Committee expressed concern "at the increase of incidents of racial intolerance," and recommended that "all measures by way, for example, of legal constraint and education be continued to eradicate this phenomenon." (United Nations Human Rights Committee, "Concluding Observations of the Human Rights Committee: Italy", CCPR/C/79/Add.94, 18 August, 1998, para. 18).

In view of these serious deficiencies, the Committee recommended that the Italian government undertake a number of measures, including the following: "strengthen its efforts for preventing and prosecuting incidents of racial intolerance and discrimination against some foreigners and Roma people, as well as of bad treatment of foreigners and Roma in detention"; "give more attention to the situation of Roma in Italy, with the view to avoid any discrimination against them"; "include in its next report statistical data on the ethnic composition of the country," in particular "the percentage of Italian citizens of foreign origin and the number of non-citizens living in Italy"; "include information on the implementation of Article 6 of the Convention [concerning legal remedies for racial discrimination], including the number of cases dealt with by the relevant authorities and courts of justice"; "intensify [...] education and training of law enforcement officials" about racial tolerance and human rights; and establish a national human rights commission to address concerns relating to minority issues and discrimination.

Today, more than one year after the CERD's strongly worded findings and elaborate list of recommendations, it is difficult to see any real effect of the CERD's criticism. The will to expel Roma from Italy has grown, and prominent politicians put forward real proposals that police should be allowed to shoot at boats carrying foreigners in the Adriatic. Aggressive and abusive raids by police and other authorities have continued apace. Italian politicians have publicly offered hate and been rewarded by popular support. The public has lent its support to parties offering messages of hatred toward Roma and other groups. Those Italian politicians who have refrained from anti-Romani speech have remained silent, possibly in the keen awareness that the wind is blowing with those who hate. Moreover, response by other European countries has been close to non-existent; while Europe has shunned Austria since the xenophobic Freedom Party entered the Austrian government, there has been little to no response to the rise of radical hate in Italy.

The present surge of Italian hostility to foreigners and Roma is now regularly played out in abuses against Roma, whether in the form of disruptive and humiliating police raids, in which property and homes are torn to shreds and left in heaps of rubble, or in the form of offensive, degrading, racist speech by public servants, speech which scars all Roma in Italy and renders impossible a dignified life for Roma there. The time has come, finally, for effective international response to the Italian situation.

9. A JUST SETTLEMENT: RECOMMENDATIONS OF THE EUROPEAN ROMA RIGHTS CENTER TO THE GOVERNMENT OF ITALY:

The *European Roma Rights Center* urges the government of Italy to adopt all of the following policies:

1. Cease discriminatory expulsions of Roma and group expulsions targeting Roma;

2. Facilitate the return of Romani persons illegally expelled from Italy, and provide compensation for material and emotional or other damages caused by illegal forcible removal from Italy;

3. Cease abusive police raids; bring collective police action into line with international law;

4. Provide compensation to persons whose dwellings or property has been destroyed or damaged in the course of abusive raids by Italian authorities; provide financial support for the reconstruction of Romani camps and/or housing destroyed by the Italian government during raids;

5. Thoroughly investigate all allegations of alleged police brutality, theft and other corrupt behaviour, as well as other forms of abuse, and bring errant police officers to justice;

6. Immediately conduct comprehensive investigation into the shooting of Natali Marolli and bring to justice the officer or officers responsible for the shooting;

7. Investigate thoroughly all allegations of inactivity by police investigation authorities;

8. Undertake critical review of all Italian legislation regulating police behavior; initiate reform in cases where domestic law contradicts international standards set down in the UN Code of Conduct for Law Enforcement Officials (1979) and the Basic principles of its implementation adopted by ECOSOC in 1989, as well as in Resolution 690 (1979) of the Parliamentary Assembly of the Council of Europe: Declaration on the Police;

9. Provide training to the police in human rights norms and international standards on police behavior, as well as sensitivity training with respect to Roma;

10. Provide trustworthy and reliable avenues for the reporting of police abuse to Romani individuals who have suffered abuse. Publicise the existence of such avenues widely;

11. Sanction inciteful hate speech against Roma to the fullest extent of the law, especially hate speech by public officials;

12. Thoroughly investigate all reported allegations of racially motivated crime against Roma and bring perpetrators to justice;

13. Gather statistics on ethnically and racially motivated crime, including figures on perpetrators, victims, defendants of racially motivated crime, as well as individuals charged, individuals convicted and individuals sentenced in connection with racially motivated crime;

14. Implement measures to abolish segregation in the field of housing in Italy, including but not limited to abolition of the system of segregated dwelling areas known as "camps for nomads"; as swiftly as possible, implement measures aimed at integrating Roma fully into Italian society in the sphere of housing and ending both state-sponsored exclusionary policies as well as similar practices by private actors;

15. Make adequate housing available to Roma: in accord with international norms on adequate housing, provide for: (a) legal protection of tenure and protection against forced eviction, harassment and other threats; (b) availability of services, including access to safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services; (c) affordability; (d) habitability, including adequate space, adequate provisions to ensure physical safety, and protection from cold, damp, heat, rain, wind or other threats to health, structural hazards, and diseases; (e) accessibility, especially to disadvantaged groups such as the elderly, the physically disabled, the terminally ill, HIV-positive individuals, persons with persistent medical problems, the mentally ill, victims of natural disasters or people living in disaster-prone areas; (f) adequate location, allowing access to employment options, health care services, schools, child care centers

and other social facilities, and away from polluted sites or pollution sources; and (g) cultural adequacy;

16. Proceed with speedy legalisation of Romani settlements and other dwellings of Roma not presently legally registered;

17. Initiate measures to ensure that all Roma in Italy currently without residence permits are provided with assistance in acquiring one; facilitate access to Italian citizenship for Roma who have resided in Italy for five years or more;

18. Produce comprehensive and accurate statistics on the number of persons in Italy who are presently without the citizenship of any country;

19. Initiate measures to ensure that Roma in Italy without valid residence permits in Italy are provided with clear and accessible procedures for legalising their status in Italy, regardless of their country of origin;

20. Recognise Roma from Kosovo as refugees under the 1951 Geneva Convention Relating to the Status of Refugees and grant them asylum status;

21. Investigate allegations of racial discrimination in the criminal justice system;

22. Provide racial tolerance training for judges and other members of the judiciary; provide international law training for judges and other members of the judiciary;

23. Sanction strictly instances of abuse of Romani children by teachers, administrators or other pupils in the Italian school system;

24. Provide financial assistance to Romani families for the purchase of school textbooks and materials;

25. Address immediately all problems barring Romani children from integration into the mainstream of the Italian educational system; adopt an action plan for overcoming all barriers to the full integration of Roma in the Italian education system; design and implement programs for the Italian school system to heighten awareness of Romani history, culture and language among Roma and non-Roma; provide adequate transportation in each district for Romani children to be taken to school;

26. Make available to all Romani communities in Italy legal services to compensate for the relative exclusion of Roma from Italian society and the Italian legal system; guarantee immediate access to legal counsel from the moment of detention and throughout preliminary investigations for all those detained. For those who cannot afford legal counsel, provide such assistance free of charge, as required by Article 6(3) of the European Convention on Human Rights;

27. Undertake affirmative action in hiring Roma and other minorities in public employment including the police force, local government and the judiciary;

28. Remedy problems of high unemployment among Roma by adopting and swiftly implementing policies aimed at their integration into the mainstream of Italian economic life;

29. Design and implement public education programs aimed at reducing the current high levels of anti-Romani sentiment in Italian society;

30. Proceed with a speedy ratification of Protocol No. 12 to the European Convention on Human Rights (ECHR), adopted by the Committee of Ministers on June 26, 2000, which broadens the scope of ECHR Article 14 on non-discrimination;

31. Bring legislation and practice into conformity with the European Council "Directive implementing the principle of equal treatment between persons irrespective of racial or ethnic origin", adopted by the Council on June 29, 2000.

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11. APPENDIX

FROM BAD TO HORRIFIC IN A GYPSY GHETTO*

by Kate Carlisle

Twelve kilometers from the center of Rome, Elena is sitting outside her rust-eaten camper with her 3-year-old son on her lap. Her gaze is lost in the strands of matted hair that tumble out of her headscarf. One of her large, brass earrings has fallen off and lies, temporarily forgotten, next to her rubber flip-flops. Mourning the death of her month-old daughter, she has been crying for eight days. "My baby Margota didn't have to die," Elena sobs. "But now what will I do if they take me far away from her grave?"

Elena, who doesn't give her last name, is a 19-year-old Gypsy. More correctly put, she is a Rom. She and her family live in Casilino 700, so-called after its street address. It's one of the 36 Romani camps in and around Italy's capital city. Italians have given the camps various nicknames. They are called the favelas of Italy, after the shanty towns that ring Rio de Janeiro; Casilino is called Little Calcutta. With 1,600 inhabitants, Casilino is the largest Romani camp in Western Europe. And Elena's problem is simple: The municipal government is dismantling it.

Casilino is 30 years old, and for much of that time, it existed in an uneasy peace with the rest of Rome. But the fall of the Berlin Wall and the conflicts in the former Yugoslavia created a new wave of Roma immigration into Italy. Eager to escape poverty and discrimination – or violence in such places as Kosovo – Roma began pouring into Italy in the early 1980s, and the flow hasn't ceased since. Elena and her family fled their home in Romania, where the daily violation of Romani rights – police beatings, murders, segregation, and the like – is well documented. She is now one of 100,000 Roma living in Italy, 40,000 of whom have come from the former Yugoslavia.

The Romani camps are a political issue as well as a social problem. Indeed, in my visits to the camps, I accompanied representatives of the European Roma Rights Center, which is evaluating the human rights situation of the Roma in Italy. It's tricky terrain. On one hand, Italy prides itself as a nation with sound social policies and a long

* This article first appeared in *Business Week* on June 19, 2000.

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tradition of charity. But the friction caused by the Roma is mounting, as it is in other European countries with Romani minorities. Many Italians look upon the Roma as nothing more than criminals, pickpockets, beggars, and all-around undesirables.

The decision to dismantle Casilino was announced last year by Mayor Francesco Rutelli after one of the many deaths of children in the camps. But the city's policy, and the summary manner of carrying it out, many say, has made things worse. Elena's deceased daughter is a grim example. She choked on her vomit while separated from her mother during a police raid.

For Elena and other Roma, daily life is a precarious exercise in improvisation, involving everything from begging to scavenging to day labor. Less than a third of the Roma now in Italy have resident permits; by law, even those born here are not guaranteed citizenship. So for some, dismantling the camp will be followed by expulsion – which means a one-way ticket back to their countries of origin. And the city government makes no apologies. It asserts that clearing out the camps is essential to fight crime and improve conditions for the Roma. But the city administration's perspective, it must be said, is something less than sympathetic. "Gypsies tend to destroy everything that makes a camp function, leaving them in horrible shape," says Luigi Lusi, a consultant "for nomad affairs" appointed by the mayor. "It is our task to weed out the bad ones and send them away." FIRESTORM. Few Italians question the notion that the Roma camps have become a problem – for those who live in them as much as for the rest of Rome. There are no public services in Casilino : no gas, no electricity. Rats cross the camp's unpaved roads fearlessly. Before the authorities began dismantling Casilino last year, it had all of nine chemical toilets – one for every 180 people. But does Rome have programs in place to improve the Roma's lot? Or is it effectively reinforcing the notion that they must live in isolation? For many, these are urgent questions. "There's no doubt that something has to be done about Casilino," says Lieutenant Ferdinando Bucci, who formerly worked in a police unit assigned to the camp. "But the 'how' and 'what' leave a lot of room for criticism."

As things now stand, Casilino will be gone by the end of June. But the fate of its residents is provoking a firestorm of controversy. Rutelli has ordered some inhabitants transferred to camps that are still "authorized" in various neighborhoods around Rome. But after widespread protests in the neighborhoods, deportations have been on the rise. So far this year, according to Rom Riunirci, a research organization concerned with Romani affairs, more than 550 Roma have been expelled from the Rome area. Such actions are drawing heavy criticism from

international human rights organizations. "The expulsions have broken every rule in the book," says Claude Cahn, publications director of the European Roma Rights Center in Budapest. "The European Convention on Human Rights prohibits mass expulsions. And this is not to mention the Italian laws that were breached."

Although the government insists that it has done nothing wrong, it even singles out Roma in national legislation. When Parliament approved the protection of ethnic and linguistic minorities last year, it excluded Romanes, the Romani language, from the law. But there is some resistance among legislators. A group of center-left parties is now preparing a bill to strengthen existing laws to protect Romani rights.

As with non-European citizens in Italy, Roma have the precarious label of extracomunitari, meaning they come from outside the European Union. As Luigi Lusi's title indicates, the government still considers them nomadic – and not in need of housing. But this is an outmoded idea: While some Roma still travel, many have left the road behind. "It is obvious that we no longer harness up the horse and move from place to place daily," says Ivo, a Bosnian who abandoned a four-bedroom house and a job as a metalworker... "Not even my grandfather was part of the traveling culture."

Politicians are taking full advantage of the xenophobia aroused by a wave of petty crime linked to immigrants and Roma. At a recent rally for a legislator from the conservative Northern League, flyers made racist fun of the Roma. A week later an angry mob led by the same candidate attacked a camp of Roma on the outskirts of Milan.

Casilino provokes similar anger. The mayor and the media call it everything from "a breeding pot for thieves" to "a 20th century plague in the making." "Brace yourself, and then go to Casilino ," advises Dimitrina Petrova, director of the European Roma Rights Center. Casilino 700 was one of many sites she visited on her mission in Italy – and one of the worst. It says something about Italy, surely, that leaving a camp such as Casilino inspires more fear and pessimism than hope. If its conditions are unhealthy, most of the Roma feel that to exist in a ghetto is preferable to expulsion, which is fast emerging as the government's favored solution. For the Roma, the solution of choice seems to lie between the less frightening of two nightmares.

12. SUMMARY IN ROMANI: E EUROPAKO ROMANO CENTRO VASH E ROMENGE CHACHIPENA DEL RAPORTO PALA E ROMENGI SITUACIJA ANDI ITALIJA

O rajo Paolo Frigerio, an 17.05. 2000, sherutno manush andar Italiako foro savesko anav si Cernusco sul Naviglio (savo perel an provincija Milan) kerda jekh oficijelno skrinisaripe/ramosaripe. E zurnalura thaj e televizija trade avri informacija kaj kava sherutno forosko manush phenda kaj ka pokinel pandz milionura lire andar e forosko fondo e manushenge save kamen te shuven gunoj po than kaj e roma shuvde pire karavanura/kampura an kava foro. O sherutno manush rajo Paolo Frigerio phenda: " Numaj kana shuvel pe' o gunoj po than kaj e Roma sesa pire karavanonenca shaj hosel pe' o melalipe save von keren kana dzan po aver than". Si vi aver manusha ande Italija save chi kamen e Romen. Jekh politikaki partija(grupo) savi akharel pe' Lega Nord sajekh oficijelno vorbil kontra e Roma. Kana sasa regionalno politikako alosaripe/elekcija an Italija o rajo Umberto Bossi dija pe but thana e lila an save phenda " Te chi kames e Romen, e manushen andar o Maroko thaj e delikventuren an tjiro kher , te kames te aves sherutno an tjiro kher , te kames te tjiro foro avel uzo de tjiro glaso pala amari politikaki patija". Pe regionalne alosaripa save sesa an 16. 04. 2000 e politikake partije save si pe chachi rig thaj vi e partija savi akharel pes Lega Nord phende an piri kampanja sa majbilache pala e nacionalne minoritatura save train an Italija. Varesave politikake partie uzes phende sa majbilache pala e Roma. An foro savo akharel pe' Voghera o rajo Aurelio Torriani savesko politikako gindipe dzal pe chachi rig (pe nacionalistikani rig) skrinisarda/ramosarda thaj dija e manushen e lila an save phenda: "E Roma ka alosaren /ka den piro politikako glaso e rajo savo akharel pe' Antonella Degradi. Kamen vi tumen te ladzaren korkore tumen?" E manusha save kamen kadi partija kerde vi jekh gilji thaj dije lake anav "Romani devleski gilji" o teksto si: " De amen jekh miliono po jekh chon, e foroske chi trubun e love pala khanchi aver, shuv/ tho amen pe majangluno than e lilesko pala e manusha save adzukaren te o foro del len o kher, godolese/vash-odi kaj amen sam nomadura thaj phiras tele-opre thaj chi kamas te mudarel amen o Voghero thaj e gadze save trajin ando foro." O teksto kadale giljaski sas ramosardo pe lila savi sas reklama kadale partiake pala e politikake alosaripa.

Kadala nacionalistikane ramosaripa save vazde e italijake politikakemanusha phabarde bari jag mashkar e manusha save trajin an Italija. Na- dumutane rodipa/ ankete phenen kaj e italijake manusha chikamen vol daran e Romandar vi kana chi

dzanen khanchi lendar. Italijako zurnalo "La stampa" ramosarda an artiklo savo inkljistilo an 21.V. 2000 kaj e oficialno regionalno institucija IRES an foro Piedmont kerda anketa e italijake na-romane chavrenca (pe anketa sas 1,521 chavre katar ohto dzi kaj 9 bersh) te dikhen sostar e na-romane chavre daran. Tranda thaj shov procentura phende kaj majbut daran katar e droga,katar e Roma thaj katar e manusha andar o Maroko. Ohtovardesh thaj duj procentura phende kaj si len dar godolese kaj godo sikada len lengi familija, dad, dej, e sikavne ande shkola. An 1999 bersh o Dokumentacioino centro savo zutil e nomaduren thaj savo beshel an Sant' Edigio regija kerda jekh anketa an savi puchla: "Kamen te e nomadura shuven/thon pire karavanura an kava regiono?" Eftavardesh procentura e manushendar save lije than an anketa chi kamle e nomaduren an lengo regiono. Lengi explanacija sas kaj e nomadura choren, kaj si melale, kaj choren e chavren.

E baza pala gasavo Italijake manushengo gindipe pala e Roma si fakto kaj von gindin kaj si e Roma nomadura. Pe agor e ohtoto decenija an kava milenijum thaj po starto an injato decenija bish regionura ande Italija krerde nevo zakono savo akharde "protekcija vash e nomadengi kultura" thaj sar posibiliteto te realizuin kava zakono kerde specijalne kampura pala nomadura. Kava projekto si kerdino godolese kaj oficijelno gindipo sas kaj e Sintura thaj e Roma si nomadura thaj von shaj train numaj an karavanura ande izolacija dur katar Italijake civilura. Sar rezultato but Roma si tradine te train ande kampura pal "lengo mangipe te train sar aver manusha ande khera naj autentiko" phenda e Italiako governo. Jekh italijako reprezentanto an jekhethaneski-unija phendas po kidipe an Geneva an 1999 bersh kaj e Roma si naturalne nomadura save kamen te aven numaj an lenge kampura.

E deskripcija pala e Roma kaj shaj aven numaj nomadura chi vazdel pe' opre numaj kana karel pe' lengi segregacija akana e manusha phenen kaj lengo than chi trubul te avel ande Italija. Kana vorbil pe' pala e Roma sar integralno kotor an sasti Italijaki rashtra e Italijake manusha sajekh hatjaren jekh baro nacionalizmo. Sa so si an relacija pala e Roma von bichalen po jekh than savo akharel pe "ofiso pala e nomadurenge butja" thaj oficijelno responsabiliteto pala kadale butja si governosko kotor pala e emigracija. O fakto kaj an varesave forura vol regionura si specijalne ofisura pala e "Nomadura thaj na-Europake manusha" phenel amenge kaj e Roma an Italija si prezentuime sar manusha bi-rashtrako saven naj kher thaj save phiren opre-tele. E Roma uzes hatjaren kaj e Italijake manusha chi kamen len.

An 1999 bersh e Jekhethaneske nacije (o komiteto savo kamel te kerel eliminacija pala e rasno diskriminacija-CERD) uzes phenda kaj chi kamel godo

so e Italija kerel e Romenca. Specijalno o komiteto phenda an realcija pala e teza kaj "Roma nashti trajin an normalne khera sar aver manusha numaj an kampura" kaj si godo na numaj fizichko sgregacija godo si vi politikaki, ekonomikani thaj kulturaki izolacija. O CERD maj dur phendas kaj si "hoji savi si an relacija pala e rasno na-tolerancija, kaj si Romengi tradimata savi e policija thaj e sherutne institucije varekana chi kamen te dikhen thaj chi kamen te vazden po krisi", "kaj trubun te keren pe'e raportura save vatjaren pala e violencija e policijaki kontra e manusha save naj Italijanura thaj save si an phanglipe", " kaj si bari na-edukacija e manushengi savi keren butji an policija thaj save reprezentuin o zakono ". O komiteto vadzi/inke jekhvar phenda kaj si les bari dar pala o nevo zakono savo o Italijako senato oficijelno trubul te vazdel opre. An godo nevo chachipasko dokumento e Roma naj akceptuime sar nacionalno minoriteto thaj godo chi ka kerel pozitivne efektura te e Roma aven protektuime. An relacija pala kadala problemura o Komiteto dija varesave sugestije e Italijake governose sar si : te kerel pe' majbari prevencija te na barol e rasno na-tolerancija thaj e diskriminacija kontra e manusha save naj Italijanura thaj save si Roma, te na avel bilacho tretmano e Romen save si an phanglipe, te dikhel pe' maj bari sama pe Roma save trajin/ dzivdinen ande Italija te na kerel pe' diskriminacija kontra lende. Ando nevo raporto(pala o CERD) trubun te phenen egzakto sarsavi si e etnikani kompozicija/ save nacije sa trajin an Italija, an procentura trubul te phenel pe' sode manusha train an Italija saven si Italijako rashtrako pasporto pal si aver nacijako thaj pe aver rig trubul te phenel pe' sode manusha trajin saven naj Italijake rashtrako pasporto, trubul te kerel pe' implementacija pala o kotor 6. katar e konvencija (savi si an relacija pala e manushenge chachipena) thaj trubul te phenen sode manushen trade po krisi godolese kaj kerde rasno diskriminacija. Trubul te kerel pe' edukacija pala e manusha/policajcura save prezentuin o zakono te dzanen so si godo rasno tolerancija thaj manushengo chachipe; Trubul te kerel pe' jekh komisija savi ka lel sama pala e problemura save si an relacija pala e minoritetura thaj e diskriminacija.

Adjes jekh bersh thaj majbut dekana o CERD dija pire sugestije, kritika, phenda so e Italijako governo trubul te kerel varesave bare efektura vadzi nashti dikhen pe'. E Italijake manushengo mangipe te traden e Romen andar e Italija si akana majbari deso sas. Varesave manusha save keren buti an politika dije piri sugestija kaj e policajcura trubun te pushkin pe/maren andar e pushka pe manusha save choral perdal o Adriako baro paji kamen te den an Italija. E Italijake politikake manusha oficijelno phende kaj chi kamen e manushen save naj Italijanura sar rezultato e Italijanura dije piro politikako glaso vash lenge. E politikake manusha

save phende kaj naj kontra e Roma achile bi vorbako thaj dikhen kaj e bavlal phurdel pe rig kaj si e politikake manusha save si nacionalistura. Aver Europake rashtre/phuvja chi dije varesavo zuralo azutipe te phagavel pe' o nacionalizmo an Italija. Dzi kaj pe jekh rig e Europa oficijelno phenda kaj chi kamel nacionalisturen an Austrija save dije an nacionalno governo pe dujto rig achili kashuki po nacionalizmo an Italija.

The *European Roma Rights Center (ERRC)* is an international public interest law organisation which monitors the situation of Roma in Europe and provides legal defence to victims of human rights violations. Roma (Gypsies) remain to date the most deprived ethnic group of Europe. Everywhere, their fundamental rights are threatened. Disturbing cases of racist violence targeting Roma have occurred in recent years. Discrimination against Roma in employment, education, health care, and other fields is common in many societies. Hate speech against Roma deepens the negative stereotypes which pervade European public opinion.

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